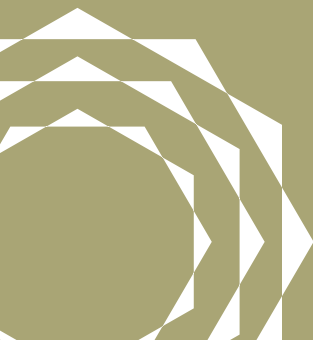


# The New Schengen Border and Its Impact on the Romanian - Moldovan Relations

actual  
implications of  
the secured  
border at the  
political,  
social,  
economic and  
operational  
levels





THE NEW SCHENGEN BORDER  
AND ITS IMPACT ON THE  
ROMANIAN - MOLDOVAN RELATIONS



Project funded by  
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## **The New Schengen Border and Its Impact on the Romanian - Moldovan Relations**

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at the political, social, economic and operational levels

Project within the program  
*New Schengen borders and their social and human  
impact on the "outsiders" of the re-integrated  
Europe - the Moldovan case*

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**Note**

The remarks included in this report do not entirely reflect the official point of view of the listed institutions. Where appropriate, necessary observations have been included. Chapters and articles drafted entirely by one author have been mentioned as such.

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The current study, drafted by experts in both countries, makes available concrete elements and guidelines for political actors, to be taken into account in decisions regarding bilateral relations in the present regional context, under the sign of European and Euro-Atlantic integration.

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## Methodology

This study was conducted during July - October 2002, as a follow-up of an analytical project initiated in 2001, based on a partnership with the Chisinau Institute for Public Policy. It involved experts in institutions working in the field of border control in both countries. The analysis of actual implications of a secure border between Romania and the Republic of Moldova focused primarily on interviews with the representatives of institutions dealing with border-related issues in both countries and on the summary of discussions and materials presented at the International Conference organized by the Open Society Foundation, Romania and the Bucharest Institute for Public Policy in Sinaia, in June this year.

This information was expanded by the secondary analysis of the bilateral and regional legal framework, as well as to the domestic legal provisions regarding the organization and operation of line institutions in both countries. European standards were also carefully considered, as the legal analysis was mostly conducted in comparison with European regulations in the domain, and compliance standards, which the two countries have committed to.

Reports and statistics obtained from the institutions approached for stage analysis carry an important weight, as they may be used, in the future, to draw conclusions and issue recommendations.

Last but not least, official statements and figures were correlated with media articles on the topic of increased transborder crime and cases of illegal migration and trafficking in human beings.

The aim of the research is to identify the current situation on the Romanian-Moldovan border, at various decision-making and operational levels, and to forecast future development scenarios, with a view to Romania's integration into the European Union, as well as concrete ways of improving the bilateral working climate.

As a general note, the study has been drafted as to identify a common ground in approaching the discussed topic, based on

presentations made by both sides during bilateral debates, and materials developed by officials, in order to improve and maintain a natural flow of persons and goods between the two countries.

## Introduction

While drafting the conclusions of this study is in progress, the Romanian media reflects signals in the French press, on the inappropriate border control and insufficient measures passed to prevent and combat illegal trafficking in human beings and goods and illegal migration. These negative aspects may have consequences on Romania's integration into the EU and Euro-Atlantic structures. Romania is in the process of acceding to NATO and to European Union, and therefore is making important efforts to meet the mandatory requirements and criteria as soon as possible, thus establishing priorities for each field of activity. When announcing the speeding up of accession reforms, Romania had assessed the efficiency of border control measures up to the present, as an integral part of the policies included in the "Justice and Internal Affairs" negotiation chapter. This context seems appropriate for the current study, which is meant to bring an updated vision on the need for cooperation between institutions dealing in border control, at a national, bilateral and regional levels, taking into account also that Romania and the Republic of Moldova have special and privileged relations.

The study is made public at a time when political relations between the two countries are being reassessed and reshaped. After a relatively tense period of official statements in both countries, Romania and the Republic of Moldova still have a number of aspects to clarify, in order to reach the stage where common issues can be approached and solved to the best interest of both parties (border control issues included).

These desires also require the development and implementation of coherent programs, through joint efforts, through capitalizing on existing financial and human resources and through more efficient foreign assistance, in projects funded by partner states and international institutions. The international community cannot solve some conflict issues such as that of Transdnistria, without the political and logistical support of Moldovan efforts.

To this end, regional security requires important efforts, both by all South East European states, and by states with a strong democracy which are however affected by inefficient border

control measures.

Another important aspect that was included in the study is the original assumption that the Romanian-Moldovan border should employ stronger security measures, with a view to the particularities of bilateral relations as well.

Romania is undergoing a process of EU and Euro-Atlantic integration, with specific objectives to be met in the following domains: economy, secure borders, customs union, all these in line with European standards and in the context of special and privileged relations with the Republic of Moldova.

Securing part of the border cannot be done on a unilateral basis. In this case, the Republic of Moldova cannot tackle the issue of Transdnestria's status, or that of securing the border with Ukraine, without political support and international assistance. The efficiency of such measures is directly reflected in regional stability, with an immediate effect over Romanian-Moldovan relations, if Romania is to meet its commitments deriving from European agreements signed by this country.

At the same time, Romania must take into account a global and unified vision and strategy for its borders, by avoiding making one of its borders a distinct issue. Over the past few months the Bucharest media is sounding the alarm about groups of illegal migrants crossing the Romanian-Bulgarian border; this stands proof that border control should not focus on only one section of the border.

Romania is undergoing an institutional reform process, especially of the authorities in charge of border issues, which need to make border crossing procedures more efficient, to initiate a dialog with their neighboring counterparts at a bilateral and regional level and to identify common solutions to common problems. Foreign assistance, focused on meeting important objectives in the domain, has shown important effects, but such programs must continue and intensify throughout the process of upgrading and increasing efficiency of border procedures. A profound parallel analysis is necessary, however, based on modern principles of professional assessment and economic efficiency, with a view to a better appropriation of state budget resources.

The monitoring of investment effects (all manner of investment) along the whole border is as useful today as the investment itself. Romania and the Republic of Moldova face budget constraints and need to make this methodology a natural working instrument to help identify, in a professional way, common interest fields where new regulations or amendments of the existing regulations are necessary.

Similar authorities, operating on the very border between Romania and the Republic of Moldova, have clearly different responsibilities, limited by the legal framework of each country. In this respect, cooperation with other institutions holding useful information for border procedure activities is of the utmost importance. The study, therefore, comes to emphasize the importance of cooperation with other state institutions, to complete the current moves of border police and customs departments.

Political players have an important part in bilateral relations between Romania and the Republic of Moldova, as they can speed up or hinder certain measures. Of the elements analyzed for this study, worth mentioning is the crucial role of political decisions in the efficient approval of administrative measures at the border checkpoints. Unfortunately, the de-centralization of decision-making is still in the beginning, both in Romania and in the Republic of Moldova, but especially in the latter. For this very reason we insisted on the encouragement, by both states' political leaders, of a permanent contact, exchange of information and mutual assistance between those in charge of border checkpoints on either side of the border. The formalization of information exchanges at the border checkpoints must be the result of political consultation, to include the evaluation of various issues and identification of common priorities. All these elements are well known by both parties, in theory, but one of the main hindrances is the lack of trust between counterparts.

There can be no efficient exchange of information and border management in the absence of appropriate equipment. The Romanian-Moldovan border has, indeed, modern specific equipment, but there is still a need for upgraded technology to be divided fairly to all the checkpoints along the border. There should be consistent communication between line institutions in both

countries, as there are mutual interests, both in terms of budget resources that have been allocated or are about to be, and in terms of international assistance received for equipment, so that this equipment can be more efficiently used for a strict, but fluid control.

The study scans aspects related to the cooperation between Romanian and Moldovan inspection teams, including joint use of equipment and implementation of similar checking procedures. We would like to introduce this concept of joint checking procedures, already used in specialized discussions, as we would like to see if this measure is considered timely by both parties, and under what circumstances. The text also includes other concepts and practices (some of them already in use in Romania), in order to propose concrete topics to support our conclusions about the central topic: cooperation - at various levels of public government - between Romania and the Republic of Moldova, for a fluid, integrated European management on the common border, in the context of Romania's accession to the Schengen space.

The topic of secure borders includes two major aspects:

1. Potential additional measures for border control should not affect the legal circulation of individuals and goods. For these categories, administrative measures should be encouraging and less limitative when it comes to traveling. There are proposals we have received during the elaboration of the study, like that about opening customs duty payment desks in the border checkpoint or the setting up of Euro-consulates, in the future.
2. Strengthening measures for secure borders is an action meant to discourage trafficking in human beings and goods as much as possible, not only in the two surveyed countries, but in the whole region. Faced with the huge dangers of transborder crime, each country should approve measures to strengthen border control, separately and in joint moves with its neighbors.

Combining crime prevention and control measures with a more fluid legal circulation of individuals and goods is of crucial importance for both Romania and the Republic of Moldova. These are concerns of European institutions and bodies both countries would like to join in their efforts.



There are domains and situations that require immediate measures. This study analyzes the relationship between decision-makers in both Romania and the Republic of Moldova, emphasizing some actual measures meant to strengthen working relations between the two countries. Certainly, the study does not encompass all possible issues related to secure borders between Romania and the Republic of Moldova, and has not tried to identify all types of potential joint actions. If the study manages to draw attention to certain shortcomings and opportunities, urging leaders to analyze the implications and advantages of cooperation (in all forms), then we have made an important contribution.

However, there is a need for a medium and long-term vision on the part of decision-makers in both countries, on domestic issues but also on foreign strategic objectives (Euro-Atlantic and EU integration strategy, for Romania); this vision will then be shared with neighbors, on a transparency basis, so that measures are taken in a timely manner and effects are responded to as efficiently as possible, prior to their achievement.

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## Chapter I

### **Political dimension of the topic. History and prospects of political relations between the two countries**

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#### **Republic of Moldova closer to the Schengen Border: regional and geopolitical framework**

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#### **1. The Republic of Moldova: regional and geopolitical framework**

Romania and the Republic of Moldova are nowadays facing regional and geopolitical reorganization, a decisive move for their future. In relation to the current situation and potential developments, NATO and EU enlargement will include Romania.<sup>1</sup> This means that the border between Romania and the Republic of Moldova might become, historically speaking, part of the border between the greater intergovernmental Western bodies and the rest of the world.<sup>2</sup> There are two questions to be asked here: is this border definitive and “what will then happen in the vicinity of the enlarged NATO and EU”.<sup>3</sup>

The two questions condition each other and assume the fact that the Republic of Moldova has a future that does not necessarily pursue the current policy of the Voronin Government; that there are trends favoring the establishment of a Western democracy, compatible and willing to be one day part of the formal Western structures, when the time comes. Such pro-Western civic and political opinions and movements have constantly been present in the Republic of Moldova after 1991.<sup>4</sup>

But, even if the pro-Western option eventually wins the day in Moldovan domestic policy, the question still remains about the extent to which NATO and the EU will ever have a new enlargement on the agenda. Romania can become an advocate of this cause and define a strategy to promote within NATO and

the EU. It can, at least, bring its contribution to a positive policy of the two bodies as to their close neighbors, the Republic of Moldova in this case.

A fourth player with an impact on the future of the Republic of Moldova (alongside the EU, NATO and Romania) is the Russian Federation, whose opinion weighs a lot in Moldova's relations with both Romania and Western bodies. When the establishment of the NATO-Russia Council was signed, on May 28, 2002, the relations between the two military powers, and especially the relations between Russia and the US changed. The new cooperation is not restricted to the military. "The partnership in energy", previously signed by presidents Vladimir Putin and George Bush in the context of Council negotiations, provides room for action to American companies. They will be able to take part in all stages of exploiting the oil resources in Russia and the Caspian Sea. This development shows the scope of interests at stake and the importance of the recent agreements between the two main opponents during the Cold War.

In this context, we can also discuss a fifth factor of impact for the former Soviet republics in the region: US interests in the Caspian area. Georgia is the beachhead of US interests there. But, while the Bush government is trying to instate new relations with the Islamic world in the context of the war against terrorism, the whole region - from Georgia to Afghanistan - becomes a geopolitical pillar of importance for the United States. The effects of these strategic developments in the former Soviet regions are not univocal. When it comes to Chechnya, for instance, Russia seems to now have more freedom of action than it could ever have dreamed of before September 11, 2001. A country like the Republic of Moldova could also become an object of competition between the Russians and the Americans.

More generally speaking, there are certain implications of the new partnership between Russia and the West. It is hard to foresee what the effects are over Russia's policy in its own "sphere of influence". The most optimistic scenario would be that Russia shows more respect to the free world principles, and, consequently, promotes democratic values in the satellite countries. Russia might as well see these developments as a "green light" to act in its neighboring countries, the Republic of

Moldova included, being somewhat immune to Western criticism.

There are more arguments in favor of the second alternative. Right in the middle of the debates for the NATO-Russia Council, the Russian Federation created the Organisation for Collective Security, based on joint foreign policies and military structures. There are three other "regional groups", the Russia-Belarus union, the Southern Caucasian Group, made up of Russia and Armenia, and the Central Asian Group, which would be made up of Russia, Kazakhstan, Kyrgyzstan and Tadjikistan. The project stipulates the contribution of each group to the joint military forces under Russian command, while all groups are subordinated to a central apparatus in Moscow. So far, only Belarus President Aleksandr Lukashenko has joined the Russian plans unconditionally.

As far as Moldova is concerned, some analysts say it "is emerging as another Kaliningrad, a Russian military outpost at a strategic crossroads in Europe outside Russia's borders"<sup>5</sup>. The aims of the Russian offensive are obvious in this part of the world. For ten years Russia has equipped, funded and organized the separatist authorities of Transdnestria, whose leaders are Russian citizens or officers. Although Russia should have withdrawn its troops and arms, according to OSCE commitments, Moscow refused to fulfill its international obligations. On the contrary, it seems to have decided to stay on Moldovan territory for an indefinite time. This is why Moscow obviously supported the Chisinau regime of communist origin and tried to attract the Moldovan economy into the CIS system.

## 2. Developments with an impact on the future of the Republic of Moldova

### 2.1. First factor: NATO enlargement

The European Union enlargement is a relatively slow and hesitant process, when compared to developments in Eastern Europe. For the former Soviet states, part of the Soviet Union until 1991, the most important process for their development seems to be NATO enlargement. Certainly, the relations between the former Soviet countries and the European Union will reflect the legal borders of NATO and the area of its influence.

The Big Bang scenario of NATO enlargement in 2002, with seven countries<sup>6</sup>, Slovenia, Slovakia, the Baltic States, Romania and Bulgaria, has a number of explanations. Vladimir Socor finds four main motivations for this substantial enlargement.<sup>7</sup> The first would be the strategic value of the region for the United States and its anti-terrorist plans. The second, in connection with the first, expresses the strategic link between the Black Sea basin and the Southern Caucasus region, whose oil and gas makes it part of the Western economic security. The third would be that both Turkey and Greece support Romania and Bulgaria for NATO integration. The fourth would be that the United States wants to be the engine of all these trends and motivations. If the statement made by President George W. Bush in June 2001, in Warsaw, regarding NATO enlargement "from the Baltic to the Black Sea" could be seen more as a symbolical than as a practical speech, it gained full strategic weight after the September 11 events.

For the long term Moldovan prospects, a special interest lies in the example of the Baltic States. As former Soviet countries, the Baltic States were seen as part of the Russian Federation sphere of influence. Russia was a loud opponent of the idea of their integration into NATO, which was unthinkable for Russian representatives in 1996-97, before the summit that was to set the first NATO enlargement wave. The Russians' plan was, at the time, not only to stop the Baltic States from acceding to the Western structures - which they could not stomach - but to stop any NATO enlargement whatsoever. The statements made by Russian representative A. A. Kokoshin in the Conference on International Security Issues (Munich, February 3-4, 1997) show how arbitrary Russian political imagination was. The Russian dignitary had been sent by Moscow to the meeting to state, among other things: "The destruction of the buffer made up of the today-neutral states in Central Europe, as a result of the dismantling of the Warsaw Pact, deepens the feeling of vulnerability in Russia, with unpredictable political implications..."; "NATO enlargement, that violates the commitments made by the West not to expand the Alliance after the dismantling of the Warsaw Pact and the USSR's consent to the reunification of Germany might fundamentally undermine Russia's trust in Western policy."; "The West must understand that it should not push Russia to retaliate for the loss of the Cold War, as the effects would be destructive for the powerful, yet complicated and in many ways vulnerable modern

civilization”.<sup>8</sup>

In 1997, NATO decided to enlarge with three countries and promised to continue the process, without “pushing Russia to retaliate for the loss of the Cold War”. Despite Russia's rhetorical threats and the now commonplace idea that they would be “impossible to defend”<sup>9</sup>, Estonia, Latvia and Lithuania desperately clung to their wish to become NATO members. They continued to develop systematically the necessary capacity to become “Host Nation Support for Allied Forces”. The contribution of the GDP to the defense budget was raised to 2%, most of it in connection with the participation to NATO programs. Baltron, the mine sweeper fleet, Baltnet, the radar surveillance system for the air space, Baltbat, the peace-keeping battalion, Baltdefcol, the Baltic Defense College, make up an integrated defense system, an outcome of the cooperation among the three Baltic States, with a view to becoming part of the NATO integrated military.<sup>10</sup> This system was built with an impressive tenacity and precision in pursuing the ultimate aim.

The examples of Estonia, Latvia and Lithuania, the whole development of the Baltic area stand as arguments for the Moldovan decision-makers not to think their long term fate strictly based on current impressions. The idea that Moldova might once become part of the Western defense system seems unachievable today. The speed of global geographical redesign, after the end of the Cold War, might, however, change the security assumptions in the area.

This statement, supported by the Baltic example, also finds leverage in the options of Ukraine. Ukraine had developed an international strategy, in the early 90s, based on refusing “block policy” and a “multi-vector foreign policy”.<sup>11</sup> At first, there was tension between the pro-Western and pro-Eastern groups, after the declaration of Ukraine's independence. But the scandal around president Kucima strengthened the pro-Russian political wing.

The latest elections showed an erosion of the communists' force and of the pro-Moscow left. The project of joining Russia was therefore taken over by the economic interest groups, under the new circumstances, by the Ukrainian businessmen with main

trade partners in the East.<sup>12</sup> They are the ones to launch the slogan "to Europe with Russia", which is an obvious disguise of ideas.

These are the circumstances under which, on May 23, 2002, the Ukrainian government decided to make the first steps towards NATO accession. To this end, on May 28, the secretary of the Ukrainian National Security and Defense Council, Yevhen Marchuk, met in Kiev the chairman of the U.S. Committee on NATO, Bruce Jackson. On May 29-30, 2002, the Ukrainian Foreign minister, Anatoly Zlenko, sent NATO a message from President Leonid Kuchma, restating this option. The Kiev authorities speak about 7 to 10 years needed for their Soviet type military forces to adjust to NATO requirements.<sup>13</sup>

It is possible that the developments in Ukraine were also given impetus by the establishment of the NATO-Russia Council. Although Ukraine has shown more cooperation at a political and military level, since 1997, it came to be outrun by Russia, in this relationship. The event also emphasized the difference between political and practical relations established between the Alliance and Ukraine.<sup>14</sup>

Romania and Bulgaria's NATO integration will continue to feed the pro-Atlantic trends in Kiev. A close cooperation between Ukraine and NATO - to say nothing more - will leave a much wider maneuvering margin for Moldova in its relations with the Russian Federation. This is why we can say that NATO enlargement is decisive for the future of the Republic of Moldova, an indispensable landmark for its politicians. Its current dependence on Russia is not an implacable fate.

This understanding can also be found with some analysts in Moldova. It was at least implicit, when Octavian Sofrinsky noted "the persistence of political forces acting to reinstate a political and economic union within the CIS", "the relative distance set by Moldova to developed market economies" and "the continued presence of Russian troops on Moldovan territory, after their withdrawal from Central Europe and the Baltic states" show "that Moldova remains under the Russian sphere of influence, after the collapse of the Berlin wall", but "there are other factors indicating that the current situation is not *status quo*".<sup>15</sup>

## 2.2. Southern Caucasus and the geopolitical competition between Russia and the United States

The geopolitical game arising from the September 11 events is important for the whole former USSR space, the Caucasus in particular, and especially the Southern Caucasus space in particular. Currently, this is the confrontation space for Russia and the US. Russia is playing its trump cards firmly, as seen in public speeches and in the political or military actions developed in the region. Before the Russian public, Vladimir Putin has assumed the role of the leader, and even sole player of the international system that has coalesced to combat terrorism. In his address to the nation on April 18, 2002, in Parliament, President Putin said: "It was Russia's principled position that made it possible to form a durable antiterrorist coalition. In the context of allied relationships, we - together with the leaderships of a number of CIS countries - took corresponding decisions... Through joint effort we managed to resolve a most important strategic task-to eliminate the highly dangerous center of international terrorism in Afghanistan, to put a stop to its adverse impact on the situation in other regions of the world (Russian Television, April 18)".<sup>16</sup>

The countries with a consistent pro-Western option in the Southern Caucasus area, a gateway for the Americans into the region, are Georgia and Azerbaidjan.<sup>17</sup> Russia tried to promote its interests by setting up a regional security mechanism, "The Caucasus Four", including Armenia, Azerbaidjan, Georgia and Russia, where Moscow retained the leader position. Vladimir Putin launched the plan at the first CIS meeting he chaired, in January 2000, and he insisted on the plan in all consequent summits.<sup>18</sup> Armenia, the only *remaining* ally of Russia in the region, seems to have also regarded the project with suspicion.

The first meeting of the "Caucasus Four" secretariat took place on March 30, 2002, in Soci.<sup>19</sup> The meeting was dominated by the bilateral and domestic issues faced by Georgia, Armenia and Azerbaidjan and the arrival of the American troops in Georgia. On this occasion, Russia asked that the "Four" should not allow "the development of military and political competition in the region".<sup>20</sup> Another basic idea was that there should be a difference between security cooperation - to be controlled by means of "The Caucasus Four" - and humanitarian and economic cooperation, open to other states. This perspective was in line with an older



Russian idea, that the security issues of the region should be discussed with Iran and Turkey, as neighboring states, but exclude the US and European Union, as they are not regional actors - contradicting the stability pact suggested by president Eduard Shevardnadze and the Turkish ex-president, Suleyman Demirel (accepted by Azerbaidjan) that relied on a 3+3+2 formula (Georgia, Azerbaidjan, Armenia, Russia, Iran, Turkey, the United States and the European Union). The document released by the Soci meeting showed the lack of substance of the "Caucasus Four" project.

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Russia's attitude cannot develop because of the Central Asian leaders, whose positions rely on the American involvement in the area. Tadjik president, Imomali Rahmonov, thanked the United States and not Russia in his annual speech, for leading the anti-terrorist war at the Tadjik border: "We are thankful to the United States, and to other countries in the international antiterrorist coalition, which played the decisive role in suppressing and destroying the Taliban's system and the international terrorist centers in Afghanistan" (Tadjik Television, April 22)<sup>21</sup>. This position of the Tadjik president is even more important if we think that, until the September 11 events, this was the only Moscow supporter in the region, with Russian troops stationed on its territory. Meanwhile, Tadjikistan made its own arrangements with the United States. On April 19, 2002, President George W. Bush signed a presidential memorandum approving grants in defense materials and services to Tadjikistan, under the cover of the Foreign Assistance Act and Arms Control Export Act.<sup>22</sup> Concurrently, the massive increase of Tadjik claims for the use of the Russian bases - rent and services for the military installations - show some pressure to drop the previous agreements between Dushanbe and Moscow.

Kazakhstan also took a stand regarding the Russia-US competition. Together with Kyrgyzstan, Kazakhstan refused to take part in the joint military exercises with Russia, under CIS umbrella, in April 2002. In his speech before Parliament on April 22, 2002, Foreign Minister Kasymzhomart Tokaev called for support for US presence in the area. President Nursultan Nazarbaev had even offered access to the Kazakh airports to the

US, but the latter declined the offer. A working group on defense and security was set up, whose agenda also includes the establishment of a motorized infantry unit and the adjustment of the Caspian sea military infrastructure.

The pro-American agenda is also prevalent in Uzbekistan. In March 2002, Secretary of State Colin Powell and his Uzbek counterpart Abdulaziz Kamilov, signed a document on the cooperation between the two countries, under the new circumstances created by the war against terrorism. The agreement covers a number of domains, from assistance for democratic institutions to aid for education, health and the environment.<sup>23</sup> President Islam Karimov synthesized his country's attitude: "We in Uzbekistan supported the United States and its allies right from the beginning, because they had an interest in destroying terrorist bases. We are grateful to the United States because it has done something that others could not. [We] had been threatened by terrorist formations that had made incursions from Afghanistan and Tadjikistan into Uzbekistan and Kyrgyzstan in 1999, 2000 and 2001. All discussions in the CIS ended with empty statements and even sarcasm. (...) We have been talking too much in the CIS framework, setting up various rapid reaction units, drawing up treaties, thousands of documents and so on. This is continuing even now. But, in practice, it was the United States and its allies that delivered the severest blow to terrorist bases. I declare that the decisive role was played by the United States." (Uzbek Television, April 14).<sup>24</sup>

Over the past few years The United States have had serious difficulties in their relations with Armenia and Azerbaidjan, since the beginning of the war between the two countries, in the early 90s. At the end of 2001, the US cancelled the Act limiting military assistance to Azerbaidjan, by means of which the Congress had shown its support for Armenia, for a number of years. But, due to the circumstances, Armenia did not benefit from American aid, either.<sup>25</sup> On March 29, 2002, the State Department announced its intention to deepen military cooperation with the two countries.<sup>26</sup> The American delegation, led by the U.S. Deputy Assistant Secretary of Defense for Eurasia Policy, Mira Ricardel, signed, in Baku, the agreement between the US and Azerbaidjan regarding security assistance, including: (1) an upgrading of the air space control system, for the civil and military airports, according to

NATO standards; (2) training for officers in the US; (3) training for officers in border defense; (4) development of navy capacities in order to secure maritime borders and protect waters in the domestic and economic area. Concurrently, the US reiterated its older suggestions for solving the conflict between Azerbaijan and Armenia.<sup>27</sup>

At the same time, Serge Sarkisian, an Armenian high military representative, visited Washington to discuss American assistance for security in Armenia. This was also the occasion for discussion on Armenia's cooperation in the NATO Partnership for Peace and the need for Armenia and the US to cooperate on security issues. On April 4, 2002, in Yerevan, Serge Sarkisian and Foreign Minister Vardan Oskanian presented the adjustments made to Armenia's foreign policy in the new international context: (1) opening multilateral contacts with Turkey; (2) establishing military relations with the US; (3) promoting good neighborly relations with Georgia and supporting stability in this country.

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The above-mentioned events show that the Caspian Sea area is under pressure, so that it becomes difficult to foresee what could happen in the long term, what trends will finally prevail. The Russian solution for the Caspian Sea area is still military force. Moscow's actions stand proof of its not being ready to see the division of the area in the light of mutual interests. The Summit on April 23-24, 2002, in Ashgabat (Turkmenistan) did not manage to bring about consensus regarding the division of the Caspian Sea. On the contrary, after the summit closure, Vladimir Putin announced that Russia would maintain its navy forces in the Caspian Sea and develop a large scale military exercise, with a clearly stated purpose: "We must strengthen our [military] presence as an essential factor in promoting our political and economic interests in the Caspian Sea. Our Flotilla constitutes a unique instrument in promoting the interests that I just mentioned."<sup>28</sup> Vladimir Putin's strategy was even more clearly described by Astrakhan's Governor, Anatoly Guzhvin<sup>29</sup>, who welcomed Russia's military actions as follows: "Russia has dominated the Caspian for centuries until recently, when its limp diplomacy allowed the Caspian to be claimed by certain countries from across the ocean."<sup>30</sup>

For as much as we can follow current developments in the region, we can conclude that the Caspian Sea area is the place for geopolitical competition in which both the Putin and the Bush Governments are trying to gain as much influence as possible. The old concept about the ex-Soviet space, seen as a Russian sphere of interest, where it enjoys legitimate influence and priority, has collapsed. It collapsed for the Baltic States and for Southern Caucasus. This would be the most important conclusion for the political decision-makers of the Republic of Moldova.

### 2.3. European Union enlargement: EU policy towards close neighbors

A second regional factor that has just begun to take shape is the sketching of EU policies for its close neighbors. At the end of September 2002, the EU presented some ideas of a local strategy. A special place among the neighboring countries for which the EU needs a specific policy is held by Moldova, Ukraine and Belarus, which, as described by Honor Mahony "will stand for the European Union border along 5 member states".<sup>31</sup>

All three of them signed partnership for political cooperation with the EU, in 1994, relying on well-known democratic values. Ukraine has, by far, the most developed and stable relations with the Union, of the three above-mentioned countries. The fact that the EU is the most important international donor for Ukraine explains the close relations between the two partners.

As far as Belarus is concerned, the EU decided on sanctions to be applied to this country in 1997, for not instating free access to the media and holding unfair elections. The cooperation agreement was practically suspended in 1998. If no dramatic changes happen in the years to come, the EU should take into account its vicinity with a dictatorship.

Some observers of the EU enlargement process stated that "the situation in the Republic of Moldova is somewhere in-between"<sup>32</sup> that of Ukraine and that of Belarus, as the EU is concerned over Transdnestria, with its high potential for conflict, corruption and organized crime.

The current concern for the European Union is the integration of Poland, in 2004. New regulations will be needed in order to ensure

easier access to the Schengen space for the citizens of countries left outside the Union: Croatia, Belarus, Ukraine and Russia.<sup>33</sup> Certain types of permits have been designed for the inhabitants of border regions - especially for those who work across the border, in order to allow for small border trade to take place.

The European Union's attitude was influenced by that in Warsaw, when they negotiated the entry into Poland of Ukrainian citizens of Polish origin. On the other hand, Poland has economic benefits related to the border trade that it would not want to lose after 2004.

Some solutions can be found in studies prepared by various experts and organizations, in order to make EU enlargement as painless as possible for the countries that would be left outside the Schengen space. In a report on "The Consequences of EU Eastern Enlargement: Poland, Ukraine, and Border Questions" we find such recommendations as: "the EU must simplify visa procedures to the greatest extent possible by offering *long-term, multiple entry visas*" and "free of charge. An additional possibility is the introduction of *one day* (18 hour) visa that could be convenient for persons living in border regions"; consular services of EU members states must significantly expanded in countries bordering an enlarged EU"; "While applications for a first-time Schengen visa will almost certainly require a personal interview, the possibility of renewing visas either by mail or via electronic means should be considered"; the flexibility that already exists within Schengen must be maximizing - among other things, issuing so-called "bona fide" visas; "measures must be taken to improve efficiency, modernize technical infrastructures, promote a stronger service mentality, and reduce possibilities for corruption at border crossing points" etc.<sup>34</sup>

What is to be gained in direct relation with the Warsaw policy will become an asset of EU policies in the countries neighboring Romania and Bulgaria, when (and if) these countries are accepted as Union members. Romania thus has the opportunity to prepare a package of measures to simplify the entry of Moldovan citizens in Romania. The experience of implementing EU specific regulations, starting 2004, and own efforts to define a more flexible EU policy for citizens in the near vicinity make up one of the most important landmarks of Romanian-Moldovan bilateral relations. Romania has the duty to translate the "special and

privileged partnership” relations into the terms of EU policy, as special and privileged as the previous one, for close neighbors.

### 3. Romania and the relations with the Republic of Moldova

#### 3.1. Attitude of the Republic of Moldova population

Any analysis of regional and geopolitical factors influencing the future of the Republic of Moldova must be rely on the attitude of the population and its future projects. The effects of external factors over the Moldovan society depend on the way the population filters these factors, and the way it interacts with them. What are the underlying options of Moldovan citizens nowadays? To a certain extent, this attitude was reflected by the evolution of political representation until 2002. The victory of the Communist party in the latest elections shows a prevalence of conservative mentalities, less receptive to democratic values. Despite the difficulties of the Voronin Government to keep its promises, the discontent of the population seems to have little impact on its attitude. Unfortunately, there are no detailed investigations as to the civic and political behavior of the citizens of the Republic of Moldova. Not so long ago, the Institute of Public Policy in Chisinau managed to get a rather qualitative image, although based on figures. The Institute launched an opinion poll regarding the change of attitude of the population as a result of the rallies in Chisinau in the spring of 2002.<sup>35</sup> The initiators wanted to know if the measures taken by the communist government, including closer relations with Moscow, and the protests of the Christian Democratic Popular Front had any impact on potential voters.

Data was collected between March 20 and 31, and the analysis was made public on April 17 and 18. Professionally speaking, the research was managed by IMAS - Bucharest, as the Republic of Moldova does not have the facilities to organize a trustworthy opinion poll. Results confirmed the conservative attitude, also reflected in the evolution of political representation in Moldova.

If in February 2001, 50.5% of Moldovans had voted for the communists, in March 2002, 73% would have voted for the communist party (the option in a November 2001 opinion poll was 68%). The Christian Democratic Popular Front got 6% of the options, while the Braghis Alliance of former Prime Minister Dumitru Braghis only got 3%. Mircea Snegur's party received 1%

of the options. On the question if the Republic of Moldova needed only one party, 54% of the polling subjects said yes, while only 10% gave their option for a multi-party system.

The ranking of party leaders followed party ranking closely. PCM leader Vladimir Voronin, got 45% of the votes, Braghis - 3%, Iurie Rosca - 2%, just as the Chisinau mayor, Serafim Urecheanu. The other political figures: Prime Minister Vasile Tarlev, Parliament speaker Eugenia Ostapciuc, Mircea Snegur and social-democrat leader Oazu Nantoi only received 1% of the voters' options each. The number of those undecided about potential candidates for Moldova's presidential seat was 40%. Data shows that Vladimir Voronin enjoys striking success. If the President were still elected by direct general elections, he would win on the first ballot. Moreover, 84% of those queried in the poll want an amendment to the Constitution, so that the president could be again elected by direct vote.

Data on the population's attitude towards state and public institutions is relevant for Moldovan mentalities. The Orthodox Church enjoys the confidence of 79% of the adult population; the Presidency (now led by a communist) - 65%; local mayor - 56%; Government - 49%. The Army follows, with 48% confidence; Parliament - 39%; Judiciary - 32%; banks - 23%; trade unions - 23%. Political parties are only trusted by 21% of the population. 61% of Moldovan citizens have confidence in the public television (controlled by communists) and the Russian television, while only 24% trust Western media and 22% Romanian media.

This attitude towards democratic institutions, as suggested by the polls, is replicated by the attitude towards identity. Only 28% of the sample supported the Communist party's decision of January 2002, to introduce mandatory Russian courses in primary and secondary schools (this decision was meanwhile suspended), as 65% preferred its status as an optional language. Nevertheless, 46% of the sample would like to see Russian as a second official language, alongside Romanian, which involves much higher stakes than the first option. While 39% of the sample believes Russia interferes in Moldova's domestic affairs, 46% think that Romania does the same. 41% of the citizens support Moldova's participation to the CIS, as compared to 40% who would rather have Moldova a member of the European Union. Meanwhile, 71%

accept that Moldova needs credits from the International Monetary Fund.

### 3.2. Moldova's relations with Romania

The opinion poll conducted under the umbrella of the Chisinau Institute of Public Policy proves the complex attitude of the population towards Romania and the Romanian spirit. This was a major topic of domestic political competition within the Republic of Moldova, partially discussed in the study of CEAM Director, Nicolae Chirtoaca.<sup>36</sup> According to him, the nomenclature-like attitude of the leadership in Chisinau explains the failure of Moldova's relations with Romania (possibly turned into "profitable" relations), while the simple solutions of an "equidistant" foreign policy with the East and the West place the Republic of Moldova "in an area of quasitotal indifference, including major risks for a small state, recently emerged on the political map of Europe".<sup>37</sup>

The observations made by the analyst of the Euro Atlantic Centre in Moldova should be accompanied by another remark: political leaders in Bucharest also contributed to the deterioration of Moldovan-Romanian bilateral relations. During the term of the nationalist coalition made up of PDSR-PUNR-PRM-PSM, a number of actions of the Romanian authorities led Chisinau to believe that the very sovereignty of the Republic of Moldova was in question. On April 14, 1994, the Chamber of Deputies of the Romanian Parliament adopted a Declaration, protesting against the decision of the Moldovan Parliament to integrate the Republic in the Community of Independent States: "Unfortunately, the vote of the Chisinau Parliament regrettably reiterates, the criminal Pact and irresponsibly cancels the right of the Romanian nation to live in a complete historical and spiritual space (...) In view of their geography, culture, history and tradition, the natural place for our brothers across the river Prut is undoubtedly together with us, in the great family of European nations, and not as part of a Eurasian structure".

The content and wording of such a statement could not be seen otherwise but as opposing the right of the Moldovan Parliament to establish relations with other states, according to its free will. On August 1, 1994, the Government of Romania made a Declaration on the new Constitution of Moldova, passed by the Moldovan



Parliament and endorsed by presidential decree on July 29, 1994. This time, the Declaration blamed the institutions of the Moldovan state for changing the name of the official language: "The national language characteristic is eroded and areas of special status are instated, instead of applying internationally accepted practices to ensure large-scale government decentralization; these are premises for an atomization of the state, all the way to possible federalization, with serious consequences on the independence of the Republic of Moldova."

This barrage of statements made in 1994 by Romanian authorities (Parliament and Government) were followed by a number of opinions expressed by president Ion Iliescu, in October that year. During some press conferences or visits throughout the country, he said that the Republic of Moldova got its independence from the Soviet empire, and not from Romania.<sup>38</sup>

All these actions had negative effects on the relations between Romania and the Republic of Moldova. The declaration made by the Moldovan Government, regarding the above mentioned Declaration of the Romanian Government, on August 1, 1994, said that Romania had the ambition to be "like an elder brother, having the right to give advice and practice the same dictatorial and supremacy policy"<sup>39</sup>. Chisinau threatened to bring the situation between Romania and Moldova to be debated by the OSCE. An international dispute between the two countries was barely avoided. But the tensions developed in the mid-nineties can always be invoked and used against the deepening of relations between the two countries.

The behavior of the Bucharest nationalist regime until 1996 raised the West's suspicion as to Romania's attitude towards its neighbors. The main reason for concern was however Romania's attitude towards Hungary and the Hungarian ethnic minority living in Romania. Famous specialists, institutes and institutions viewed the situation under crisis circumstances. John Mearsheimer<sup>40</sup>, in 1990, the draft Special Report on Romania, presented before the North Atlantic assembly by Huberte Hanquet and Javier Ruperez<sup>41</sup>, in 1992, the SIPRI Report<sup>42</sup>, in 1993 or UNIDIR<sup>43</sup>, the same year, drew the attention of the international community on the danger of ultra-nationalistic movements in the country, in very harsh terms. Romania's attitude towards the Eastern neighbors

was not forgotten, either. In a 1992 issue, the magazine, *Politique Étrangère* noted "this position expressed by Romania is, first and foremost, part of the claims this country has towards Ukraine, regarding Southern Bessarabia and Northern Bukovina, but it definitely contributes to a tense Balkan climate, at a time when borders around the world are discussed".<sup>44</sup>

The image of a nationalist and traditionally aggressive Romania, in relation with its neighbors, has been in place since the early 90s, in parallel with the events that led to the dismantling of the USSR and declaration of the Republic of Moldova. There are more angles to be discussed here. That was a very complex period, when nationalism in the former USSR countries was of an ambivalent nature - in many cases nationalism brought about freedom, as national solidarity was put forward to serve democracy, but this situation is treated superficially in Western analyses. Here is a description of the 90s' events, made in 2000 by the prestigious RAND Corporation: "In the early 1990s, Kishinev tried to distance itself from Moscow. It did so by refusing to carry out a republican referendum on the fate of the USSR, as well as by ignoring the invitation to participate in the crafting of a new Union Treaty. This effort to exit the Soviet Union was accompanied by the infusion of "Russophobia" at the governmental and popular levels. The most extremist elements of the national-unionist movement (the supporters of uniting Moldova and Romania, even before the abolition of the USSR), introduced a new political program that stressed Moldova's immediate withdrawal from the Soviet Union, the disbanding of the "army of invaders," and consolidation within the borders of Moldova of "all previously occupied Romanian territories--such as Bessarabia, the trans-Dniester region, Northern Bukovina and a number of other regions in Southern Ukraine - and the subsequent unification with Romania. On August 27, 1991, immediately following the failed coup attempt in Moscow, Moldova declared its independence."<sup>45</sup>

Formal mechanisms were refused in the process of liberation from the Soviet empire, and a Russophobic attitude also came along, to express a revolution that stood for historical reparations. Such breaks in international realities cannot be treated in the same terms as stability periods. Once the new international order is reinstated, societies and state authorities must learn its principles

and apply them. The rule is also valid both for the former Soviet space - where Russophobic motivations had to be overcome - and for neighboring countries - under the obligation to observe the existence of newly independent sovereign states.

We should, therefore, note the large debate held in Romania over Romanian-Moldovan relations following the crisis in the mid-nineties.<sup>46</sup> Public debates also brought about a change of attitude for the Bucharest authorities. Romanian political forces understood that they had to take all the consequences related to the independence and sovereignty of the Republic of Moldova.<sup>47</sup> Starting 1997, this attitude has been part of the new government programs in Bucharest, because the relations with Moldova were defined as special and privileged. Concurrently, documents were issued that stated an explicit respect for the Republic of Moldova as an independent state.

The political change in Bucharest came at a different moment from the developments in Chisinau. The Voronin government shifted towards Moscow, thus starting on a conflict path in the Romanian-Moldovan relations. The climax of these tensions was reached in 2001, when the Justice Minister of the Republic of Moldova, Ioan Morei accused Romania of expansionist moves in Strasbourg, where the Court was to decide on the case of the Orthodox Church of Bessarabia versus Moldova. The ambassador of the Republic of Moldova to Bucharest, Emil Ciobu, said in a letter that Romania started "the campaign to regain Bessarabia on economic grounds, and to continue the spiritual expansion over the «Romanians in Bessarabia»"; "... we are under the impression that the Romanian side has an interest in granting Romanian citizenship to as large a number of Moldovan citizens as possible, with the ultimate purpose of discrediting the state institutions in our country and facilitating the process of gradual annexation of the Republic of Moldova, populated by Romanian citizens"; "...we can also note another procedure used by Bucharest: to present our realities in a biased and twisted manner, thus casting a negative light over our countries, in an attempt to isolate it from the international business communities".<sup>48</sup>

Under the circumstances of such statements, the relations between Romania and the Republic of Moldova went down on a path of reticence and suspicion, in the early 2000s. Things are not

likely to change significantly in the relations between the two countries, if there are no political transformations in Chisinau, or no large-scale regional evolutions emerge.

### 3.3. Democracy in the Republic of Moldova as an issue for bilateral relations

Ethnic and cultural diversity in the Republic of Moldova can be described by the following figures: 64.5% Romanians, 12% Russians, and 13% Ukrainians. There are 169,300 inhabitants in the Gagauz autonomous region, of which 82.5% are ethnic Gagauz, and the rest are Moldovans, Bulgarians, Ukrainians and Russians. Taraclia County has 30,000 inhabitants, of which 65% are ethnic Bulgarians, and the rest are Moldovans, Ukrainians and Russians. The population of Transdnestria amounts to about 700,000 (1989 census), of which 42% Moldovans, 28% Ukrainians, 24% Russians.<sup>50</sup>

Historical complexity adds up to the ethnic and cultural complexity. The Republic of Moldova, with the current borders, (Bessarabia<sup>51</sup> and Transdnestria), was created by a decision of the USSR Supreme Council in 1940, under the name of the Moldovan Soviet Socialist Republic. In 1812, Bessarabia had been annexed to Russia, to be united with Romania at the end of World War I. Transdnestria was established in 1924, as part of Ukraine, "as a bridge for expanding communist ideology towards Romania, and especially Bessarabia"<sup>52</sup>. This explains the development of a whole anti-Romanian ideology in Transdnestria, with the attempt at introducing a "Moldovan" language of Slavic origin, with a Cyrillic alphabet and full of Russian words. The anti-Romanian feelings were also stimulated by the behavior of the Romanian army during World War II, when it committed real atrocities against Jews and "Bolsheviks". Genuine Romanian-phobic feelings thus emerged, along with an irrational fear of a potential unification of Moldova and Romania. These developments played a decisive part in 1992, when the "Transdnestrian Republic" refused to obey the laws of the Republic of Moldova.

Under these circumstances, various social and cultural measures taken by the Chisinau authorities have a direct political connotation and are often described as trying either to Romanianize or Russify the Republic.

The theme of Romanianization of the Republic of Moldova must be analyzed under its double dimension and, at the same time, ambiguity: on the one hand, there is a process of regaining the rights of the majority - for instance, the obligation for officials to be able to speak Romanian, and the provision of enough broadcasting frequencies for the Romanian-speaking media; on the other hand, it is seen as putting minorities under pressure, as a nationalistic mobilization that shifts the attention of the public from the issues of rights and liberties, and as a potential source of interethnic conflict. It is also difficult for civil servants to speak Romanian, although a law was passed to this end, providing for enough time for those who did not speak the language to learn it.

A second aspect is the domination of Russian in the mass media. In 1998, the Coordinating Audiovisual Council initiated a law regarding the use of 65% of the broadcasting time for programs in Romanian, for both the public and the private media.<sup>53</sup> The initiative was a complete failure, though, as Moscow called the Moldovan representatives to order. One of the arguments used in the competition for identity in Moldova was the interpretation of these actions as "Romanianization".

The complementary topic of Russification is pointed out by the unionist and pro-European groups in the Republic of Moldova, and by the Romanian public opinion. Several steps were made in 2002, which were considered as an attempt at Russification. A decision was made for Russian studies to be compulsory in education - but the measure was postponed, because of the protests of the Romanian-speaking population. Another proposal was that Russian should become a second official language. The population's attitude towards these measures was assessed in the opinion poll presented in point 3. Another decision in the same line was that of introducing "the history of Moldova" as a subject in Moldovan schools, instead of "the history of Romanians".

It would be interesting to see to what extent various social and cultural measures target rights and not mere public policies of the Chisinau Governments. The topic of national identity is of international interest, and its protection if seen as part of the larger system of human rights; the intervention and pressure of foreign governments as to the observance of these rights thus becomes legitimate.

When it comes to using Russian, the compulsory study of this language in schools is not a matter of rights, but of politics. There are arguments in favor of the current bilingual situation, which in fact is an asset for the Moldovan society. There are also arguments that can be put forward to limit the domination of Russian, as it gives way to issues of national sovereignty.<sup>54</sup> As far as the “history of Romanians” is concerned, it should be pointed out, despite the many opinions against this idea, that the “history of Moldova” is a natural development. Studying the history of Moldova is natural, because the Republic of Moldova is an independent state, and its history expresses its self-determination, where each of the ethnic groups - other than Romanians - has the right to find its place.

The authorities of the Republic of Moldova are called to observe all the rights of individuals and minorities. International bodies - OSCE and the Council of Europe - stepped forward to call for the observance of the Russians' rights in the Republic of Moldova, as they were a *minority*. Sometimes, Moscow itself asked for such interventions, which are beneficial in trying to stop the Russophobic tendencies in Moldovan society. At the same time, an analysis of the situation in the Republic of Moldova shows that the documents invoked by these institutions - especially the Framework Convention for the Protection of National Minority Rights - cannot be applied to the Russian minority, for the reasons stated below.

The whole system of protecting ethnic minorities is based on the fact that these minorities are in a vulnerable or underprivileged position, as compared to the majority, and special measures are therefore necessary to induce a de facto equality of opportunities for all citizens, irrespective of their ethnic and cultural origin. When there are no disadvantages coming from lesser numbers, there is no point in discussing about minority protection. The doctrine of minority protection is applied to non-dominant minorities. But the issue of Russians in the Republic of Moldova should take into account the current situation, as Russians have a *dominant* position in the Republic of Moldova. At the same time, “non-specific” instruments for the protection of ethnic minorities: strict observance of rights and liberties for the members of the Russian community (or other communities) and the principle of non-discrimination is also applied to the Russians.

The setting up of autonomous regions is another issue connected with identity. Parliament decided in 1994 to grant the Gagauz territory a special legal status. Together with the autonomy of the Taraclia County, this attitude of the Chisinau authorities proved to be modern and open, in order to solve the issues relating to the complex multicultural diversity of Moldova.<sup>55</sup>

There is another issue connected to those above: the federalization of the Republic of Moldova, somewhat inevitable, as Transdnestria has separated de facto from Moldova. Federalization is an instrument that has already proven itself in international experiences. Federal states enjoy stability and functionality. At the same time, recognizing the value of a federal option for the Republic of Moldova does not necessarily mean that any concrete federal project should be appreciated. Early in 2002, the ambassadors of Russia, Ukraine and OSCE submitted a federalization project to the representatives of Moldova and Transdnestria. According to this proposal, Moldova was supposed to become a federation made up of Bessarabia, Transdnestria, probably Gagauz and Taraclia, through a process guaranteed by Russia, Ukraine and OSCE.<sup>56</sup>

Vladimir Socor, one of the specialists in the region, makes a pertinent analysis of the federalization project.<sup>57</sup> He criticizes the fact that this project is supervised neither by any Western country, nor by Romania. But, as Socor also points out, Russia has a veto right in the OSCE and it can influence Ukraine, which leaves it in full domination of the whole situation.

Instead of speaking about the creation (deployment) of peacekeeping forces, the project refers to "maintaining" these forces. This might mean maintaining the 2.600 Russian troops - close to the Tiraspol group - and their arms, which Moscow deployed to Transdnestria some years ago, against international law provisions. The army of the future Moldova federation would be made up of the current armed forces of Moldova and Transdnestria. But the latter are considered illegal, and have been involved in questionable activities. The proposal on army unification is difficult to accept.

The most important matters of the Federation would be decided upon by one of the legislative Chambers, in which the

representatives of Bessarabia, by far the most important part of the Federation, would be a minority. In terms of the importance of federal components, this situation is difficult to accept from a political point of view. This is the final, and maybe most important objection, explaining why the current proposal for a federal Moldova should be regarded with skepticism. In October 2002, the federalization project was blocked, as the United States (directly, or as an OSCE member) reject the project they seemed to agree in the beginning.

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The handling of the multicultural diversity of its society tests democracy in the Republic of Moldova, as balance should be instated in the symbolical competition among various communities, especially between the Romanian majority and the Russian minority. Chisinau has shown a positive attitude towards the issue of national minorities. However, its efforts, local government initiatives included, cannot provide a solution as long as the Moldovan state is weak and unable to secure its sovereignty throughout the republic, under the conditions of economic (and, indeed, political) dependence from Russia. One can say at the same time that the importance of the identity issue requires an internationalization of the democracy issue in Moldova. Most often, internationalization has a positive effect.

#### 4. The Schengen border between Romania and the Republic of Moldova: the policy of close vicinity

The positive scenario of Romania's integration into the European Union - provided there are no crises along the way - set 2007 as the date for this process. The recent Report of the European Commission about Romania confirms this date. Until then, the Union itself will go thorough a whole process of integrating the first new candidates - starting 2004 - and "deepening the relations within the Union." The latter process is also the most relevant one for the political implications in the region outside the Union. The European Commission made a recent proposal as to the "joint control and management of the borders, together with a community policy for immigration and asylum".<sup>58</sup>

Romania could take active part in the international debate



regarding the measures to be taken so that EU enlargement does not affect security within the EU, while controlling damages at the Schengen border as much as possible. The trends within the Union, to make the Schengen space more efficient - as is the idea of creating a common border structure for the EU - prove that the border inspected actions on the border between Romania (and the Union, implicitly) and the Republic of Moldova cannot be shaped by Romania, in the future. Bucharest authorities will have a relatively restricted freedom of action on border inspection and travel documents, and generally speaking on applying Schengen rules. The gains remain only at the level of EU general policies towards the near vicinity.

On the other hand, showing solidarity with the Moldovans can be useful for the political and economic relations between Romania and the Republic of Moldova. The activities of the Romanian Embassy and the Consulate in Chisinau are of a strategic nature in defining the relationship between Chisinau and Bucharest, in shaping the relations between Moldovan and Romanian citizens and in granting political assistance to the Republic of Moldova.

Human contacts, exchanges of ideas, circulation of individuals, encouraging humanitarian efforts and punishing extremist movements, cultural solidarity and support for the democratic models are values that should suffer as little as possible by the instatement (erection) of the Schengen wall.

## 5. Conclusions

The topic of internal solidarity within the European Union is complementary to the solidarity with the peoples outside the Union - starting with the nations in the close vicinity. It is obvious that a negative impact deriving from the EU enlargement process on surrounding democracies - with direct or indirect causes - would be contrary to the spirit of international ethics. It seems to stand to reason that the democratic future of the Republic of Moldova will be endangered if the Schengen border diminishes the connections - difficult anyway - of the Moldovan citizens with Western Europe and Romania.

On the other hand, such solidarity is not possible if Moldovan citizens, and especially the political elite, do not ensure a genuine

and operational democracy. The European Union, Romania and, on a more general note, the globalization phenomenon, have a positive role in this respect. However, Moldova still depends strongly on Russia, both economically and politically. On a long term, it could be expected from Russia to at least promote democratic values in the satellite countries, provided it manages to build its own decent society. But, even if Moscow continues with its current policy, remaining immune to Western criticism, this does not mean that decision-makers in Moldova should be prisoners of Russian policy - except for the situation when they themselves promote vassalage.

The most important argument here is that the old concept of the ex-Soviet space, as a sphere of influence for Russia, with recognition of its legitimacy and priority is no longer valid. The Baltic States have broken free of this tutelage, and Southern Caucasus is on the same track. Pro-Atlantic trends in Ukraine may win as well, and this will bring about a friendlier climate for Moldova, with more room for maneuver. Once Moldova has common borders with NATO and the EU, its security can only enhance. It remains for Moldovan decision-makers to think the long-term fate of their country starting from these regional and geopolitical developments. If we have in mind the dynamics of reshaping the world after the end of the Cold War, the idea of Moldova becoming part of the Western security structures is not completely gratuitous.

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A key role for the democratic development of the Republic of Moldova and for its European identity to be asserted, is played by the "special and privileged partnership" between Romania and Moldova.<sup>59</sup> The prospect, rather than the current situation, envisages the relationship with Romania as an expression of the pro-Western aspiration of the Moldovan society. The issue still stands, however, of the domestic elites wanting to have such a project of European identity. In order for the European option to prevail in Moldova, the intelligentsia will have an important part to play. Some Moldovan analysts with respect to national awareness have supported the idea of the intelligentsia as an engine.<sup>60</sup> This topic is even more valid when it comes to a European awareness.

As an artifact springing from the emergence and evolution of the European Union, the *European identity of the Moldovan population* needs to be thought over before it is assumed and turned into a political factor, with an ever greater burden of responsibility for the intelligentsia living between the Prut and Dnestr rivers.

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## Notes

1. Romania is practically integrated into NATO. The last Country Report, made public by the European Commission in October 2002, refers to the potential integration of Romania and Bulgaria in the EU after 2007. Romania ranks last among candidate countries in this report, while Bulgaria is more advanced on certain issues, e.g. "functional market economy". There also talks inside the EU regarding the increased funds to be directed towards Romania and Bulgaria after 2004, to facilitate integration.
2. The European Union is a sui-generis structure, between intergovernmental and federal.
3. *But what will next happen to the immediate neighborhood of an enlarged NATO and EU?* (Vladimir Socor, *The new immediate neighborhood of NATO and EU*, The Monitor: A Daily Briefing on the Former Soviet States, The Jamestown Foundation, 9 May 2002 - Volume VIII, Issue 91)
4. They are either cultural, as the one around *Contrafort* magazine, or political in organization (the newly emerged Social Liberal Party)
5. *Ibidem*
6. After Poland, the Czech Republic and Hungary were invited to join in Madrid, in 1997.
7. Vladimir Socor, *NATO's Own 'Big Bang' Theory Gets a Boost*, The Wall Street Journal Europe, April 5-7, 2002
8. Gabriel Andreescu, *The Lonely Long-Distance Runners*, Polirom Publishers, Iasi, 1998, page 108
9. Vladimir Socor, *Pulling NATO Readiness Weight in The Baltics*, The Wall Street Journal Europe, July 12-14, 2002
10. *Ibidem*
11. Vladimir Socor, *The Monitor: Ukraine abandons "multivector" policy, sets sights on NATO membership*, Jamestown Foundation, 31 May 2002 - Volume VIII, Issue 106
12. *Ibidem*
13. *Ibidem*
14. Vladimir Socor, *The Monitor: Ukraine-NATO political relations outpaced by practical cooperation*, Jamestown Foundation, 20 May 2002 - Volume VIII, Issue 98

15. Octavian Sofranski, *Republic of Moldova: Geopolitical Capital*, Cartier Istoric Publishers, Chisinau, 1999, page 67
16. Vladimir Socor/Jamestown Foundation/The Monitor: *A Daily Briefing on the Former Soviet States*, 24 April 2002 - Volume VIII, Issue 80
17. The term "pro-Western" should be understood as favouring relations with the West, rather than with Russia, not in the sense of a Western-style democratic option. Thomas Dine, chairman of Radio Free Europe/Radio Liberty said, in an interview made by Vitalie Condritch: "The five countries in Central Asia, Kazakhstan, Kyrgyzstan, Uzbekistan, Tadjikistan and Turkmenistan are each controlled by one person. And these people have proved to be extensions of the authoritarian communist style. Kazakhstan and Uzbekistan are the worst of dictatorships. Uzbekistan started on the right track, but then reverted to the old ways. Tadjikistan is on the verge of civil war, and trying hard to find its way out of this mess. Turkmenistan is controlled by a dictator, Niazov, who thinks he is the state and acts like a clown. The three Caucasian Republics, Georgia, Azerbaidjan and Armenia, have not progressed at all, on the contrary, Armenia and Georgia, once developing in a promising manner, started backwards. The Republic of Moldova elected Communists to power, again, not at all the way to democracy. (Ora Moldovei 05.09.02).
18. Vladimir Socor/Jamestown Foundation/The Monitor: *Putin can't sell "Caucasus Four" plan*, 3 April 2002 - Volume VIII, Issue 65
19. Joined by Vladimir Rushailo (Russia), Serge Sarkisian (Armenia), Ramiz Mehdiiev (Azerbaidjan) and Tedo Japaridze (Georgia) see Vladimir Socor/ Jamestown Foundation/The Monitor: *Putin can't sell "Caucasus Four" plan*, 3 April 2002 - Volume VIII, Issue 65
20. *Ibidem*
21. *Ibidem*
22. State Department Press Release, April 19
23. Intercon's Daily Report on Russia and the Former Soviet Republics, March 13, 2002
24. Vladimir Socor/Jamestown Foundation/The Monitor: *A Daily Briefing on the Former Soviet States*, 24 April 2002 - Volume VIII, Issue 80
25. Which made Azerbaidjan vulnerable before Iran, and Armenia, dependent on Russia.
26. Vladimir Socor/Jamestown Foundation/The Monitor: *America to provide Security Assistance to Azerbaidjan and Armenia*, 19 April 2002 - Volume VIII, Issue 8
27. *Ibidem*
28. Vladimir Socor/Jamestown Foundation/The Monitor: *Caspian basin to see greater displays of Russian military muscle*, 30 April 2002 - Volume VIII, Issue 84
29. Anatoly Guzhvin was appointed governor by president Putin.
30. *Ibidem*
31. Written by Honor Mahony, Edited by Daniela Spinant

32. Written by Honor Mahony, Edited by Daniela Spinant
33. Marcin Grajewski, *EU seeks to avoid post-expansion Iron Curt*
34. *The Consequences of EU Eastern Enlargement: Poland, Ukraine, and Border Questions*: Preliminary Report on an International Conference of the Heinrich Böll Foundation in Lviv, Ukraine and Przemyśl, Poland, May 22-25, 2001
35. Flux, Basapress, April 17-18, 2002; see the Monitor, March 6, 11, 18, 28, April 1, 5, 15, 19
36. Published in this volume.
37. Nicolae Chirtoaca, *Op.cit.*
38. Gabriel Andreescu, Valentin Stan, Renate Weber, *Romania's relations with the Republic of Moldova*, Studii Internationale no. 1, pages 11-25
39. Gabriel Andreescu, Valentin Stan, Renate Weber, *Op.cit.*
40. Saying that "the way the Hungarian minority was treated" in Romania could have brought "Romania and Hungary on the brink of war, and has the potential to do so in the future " (John Mearsheimer, *Back to the Future: Instability in Europe After the Cold War* in *International Security*, Vol. 15, No. 1, Summer 1990, pages. 5-56).
41. The project described "the Hungarian minority issue" as a "hotbed of permanent tension in Romania (Mme Huberte Hanquet (Belgique), M. Javier Ruperez (Espagne), Co-Rapporteurs spéciaux, *Projet de Rapport Special Roumanie: Une Transition Inachevee*, AJ 75, CC (92) 5, Commission Affaires Civiles, Assemblée de l'Atlantique Nord, mai 1992, parag. 39-47, pp. 11-13).
42. "Over the past three years, Romania has developed a strong feeling of insecurity as to the large Hungarian minority in Transilvania, and struggled very hard to defend against the Hungarians' accusing it of discrimination. However, there is proof that interethnic relations polarized dramatically in the region, and many of the problems rose because of Romanian extremists, acting on the «approval» of some officials" (Stephen Iwan Griffiths, *Nationalism and Ethnic Conflict. Threats to European Security*, SIPRI Research Report No. 5, Oxford University Press, Oxford/New York/Toronto, 1993, page 23).
43. "Nationalist tensions are still present in Transylvania, and both the Romanians and Hungarians are subject to provocation... the groups are inflamed especially on the issue of banned bilingualism, supported by some Romanian authorities, as the mayor of Cluj" (Dominique Rosenberg, *Les minorités nationales et le défi de la sécurité en Europe*, Travaux de Recherche No. 21, Institut des Nations Unies pour la recherche sur le désarmement-Genève (UNIDIR), Nations Unies, New York, 1993, page 17).
44. *Politique Étrangère*, No. 2, été 1992, 57e Année, p. 266
45. Irina F. Selivanova, *Trans-Dniestria*, RAND Corporation, 2000
46. The debate started with the study signed by Gabriel Andreescu, Valentin Stan, Renate Weber, *Romania's relations with the Republic of*

Moldova, published in Studii Internationale no. 1, Bucuresti, 1995, pages 11-25.

47. See Gabriel Andreescu, *The Lonely Long-Distance Runners*, Polirom Publishers, Iasi, 1998

48. *Annexation of Moldova*, Ziua, 6.10.2001

49. See Sergiu Ostaf, *Republic of Moldova (Including Transdnistria Region), Shadow Report: December 1999*, Strasbourg Ombudspersons for National Minorities. The author uses 1999 figures, and not those in the 1989 census, of 153,500 inhabitants.

50. But the urban population in Transdnistria is mostly Russian.

51. Historical Bessarabia also included territories now in Ukraine.

52. Sergiu Ostaf, *Op.cit.*

53. In other words, in a percentage that matches the ratio of the Romanian population

54. The number of Russian speakers in Moldova is higher than the number of Romanian speakers.

55. The preamble of the law on the special legal status brings the following arguments: "Based on the principles of the Republic of Moldova Constitution; showing good will and a wish to keep good relations with peoples we have been in contact with for centuries; in order to meet the national and identity needs of the Gagauz, to help them develop at all levels, in terms of language and national culture, in terms of ensuring political and economic self-determination; because the Gagauz people lives in a compact area of Gagauz-Yeri the place inhabited by Gagauz and they are not very many; granting priority to human rights, in order to combine general human interests with national interests; reiterating the equal rights for all citizens living in the newly established autonomus region, irrespective of nationality and other elements... etc."

56. There were very few discussions on the topic in Romania. *Provincia* magazine presented the text of the project, but other Romanian magazines gave little coverage until October. One article was signed by Theodor Wexler, in *Observatorul cultural*, the second by Vitalie Ciobanu, in 22 magazine. Theodor Wexler favored the project, arguing that Transdnistria cannot be seen as a mere province of a unitary Moldovan state, in view of ethnic, cultural and historical reasons. His analysis does not seem to take into account the other implications of the project promoted jointly by Russia, Ukraine and OSCE. The article published in the 22 magazine, by Vitalie Ciobanu, a reputed expert in the field, was very critical about the project.

57. This is the reason why we have quoted him abundantly in this study.

58. INFOEUROPA - PrioriMail, *The Commission proposes an overall reform of the European Union*, May 22 2002, European Commission

59. Most of which remains, so far, on paper.

60. Oleg Serebrian, *Bessarabia: the geopolitics of an identity adrift, Politsfera*, Cartier Publishers, Chisinau, 2001, pages 137-143

## **Romania - the Republic of Moldova: from the “flower bridge” to the iron curtain**

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Moldova's history and geographical position have always determined its relations with the outside world. Throughout the centuries, the country was always in a special geo-political position, at the crossroads between empires and regional superpowers. In the Middle Ages, the Republic of Moldova was the border of Ottoman expansion to the East, while at the end of the 18<sup>th</sup> century it became the western border of the Russian Empire. Between the two World Wars, the Republic of Moldova was reintegrated within the Romanian borders, serving as a buffer zone between Soviet expansionism and actual Europe. After the end of the cold war and after declaring its independence from the USSR, the Republic of Moldova made many efforts to overcome this status of a border between influence zones of regional and global superpowers, and it viewed European integration as a historical chance to achieve this objective.

The establishment of the new European Union and NATO borders along the western border of the former Soviet Union (except for the Baltic states) will undoubtedly have a great impact not only on geo-political changes in the new Central and Eastern Europe, but also on bilateral relations with the countries neighboring this area of Europe. The Eastern expansion of the new Schengen borders already emphasizes at least two possible trends in the development of these relations. The justified intentions of Schengen countries to secure their external borders, in order to find an adequate response to the new threats that emerged from the disintegration of the socialist world and the liberalization of border crossing regulations, might result in the building of new barriers against the free circulation of individuals, goods and services. The new Iron Curtain, maybe more permissive than the Cold War's, but erected by the West this time, will certainly jeopardize one of the fundamental human rights - the right to free circulation. On the other hand, approaching the issue of new European borders from the point of view of preserving the achievements of democratic and national liberation revolutions in post-communist Europe, and avoiding the creation of “outsider”

states, excluded from the integration processes, can bring about the creation of a new European order without violating the European and general human principles and values.

Despite a relatively low economic, political and military potential, as compared to neighboring countries, the Republic of Moldova is able to play a constructive part in the efforts to ensure stability and security in this area of the Balkan-Carpathian space. The dynamics of Romanian-Moldovan relations and their nature will play an important part in normalizing relations with this part of South-East Europe. An unbiased approach of Romanian-Moldovan relations, seen from the point of view of cooperation between states with a common border and similar responsibilities towards the international community, to strengthen order and stability, to have a less political and ideological perception of these relations, to extend the context of bilateral dialogue by an active involvement in European integration, can set the conditions for overcoming the contradictions and differences that have been present in these relations lately.

I would like to mention from the very start, that the beginning of bilateral relations between the Republic of Moldova and Romania does not refer to the period that followed the collapse of the USSR and declaration of independence by the former Union republics. Right after the former Moldovan Soviet Socialist Republic (MSSR) declared itself a sovereign member of the former union, both parties initiated decisive measures to establish bilateral relations, bypassing the former Union center. On the initiative of the Moldovan Popular Front, supported by the MSSR and Romanian governments, a "Flower Bridge over the Prut" was proposed for May 6, 1990. On this date, according to the USSR-Romania Agreement on simplified procedures for border crossing, between 1 and 7 PM, Romanian citizens visited the towns and villages along the MSSR border. According to the opinion of Mircea Snegur, then president of the Republic's Supreme Soviet, this event was a joint contribution of Chisinau and Bucharest to the building of the "common European house".

One of the first documents concluded by the MSSR Government with the Romanian Government was the Convention on cooperation in Tourism, on September 27, 1990, signed in Chisinau by Moldovan Prime Minister Mircea Druc, and Romanian



Minister of State Anton Vatasescu, under which the parties granted mutual facilitations for border procedures and formalities, as well as for accommodation and tourist services. On December 6-7, 1990, Mircea Druc, head of the Chisinau Cabinet, met with Romanian Prime minister Petre Roman in Bucharest, after a European tour. *"I hope, said Mircea Druc on that occasion, to see a more fruitful cooperation between the two Romanian states - Romania and the Republic of Moldova - in the economic domain."* Reacting to the danger of MSSR's territorial split-up, as a result of separatist forces activities in the south and left of the Dniestr, on October 25, 1990, the Romanian Parliament declared its solidarity with the population of the Republic of Moldova in their desire to keep the country whole, understanding *"to develop according to their own will and conscience, in understanding and harmony with all the citizens of the Republic."* Ion Ungureanu, Minister of Culture of the MSSR, stated the idea of a *cultural confederation*. Without questioning in any way the decisions of the Helsinki Agreement on Borders, the parties were convinced that a new iron curtain would not fall on the Prut, as democratic changes had created the conditions for a fast development of political, economic and cultural relations.

During his official visit to Romania in February 1991, Mircea Snegur called the talks with president Iliescu *"a council between two leaders, who want deeper connections between their countries, to the benefit of Romanians left and right of the Prut"*. In his speech before the joint chambers of the Romanian Parliament, Snegur said that the Republic of Moldova promoted a policy of strengthening bilateral relations with the sovereign Union republics, wishing to conclude such cooperation agreements with other states, Romania included, and bypass the Center. Snegur finished his speech with a phrase that made a lot of headlines: *"...we must stick to our kin."*

In the relations with Romania, Snegur chose the policy of small steps. The MSSR President was convinced that *"step by step, but constantly"* the Moldovan-Romanian relations would strengthen in a natural way. Lack of consistency was, however, a characteristic for the personal style of Snegur, the president and the politician, over the next 4 years. On April 4, when Ion Iliescu went to Moscow to sign the Soviet-Romanian Treaty of Cooperation, Good Neighborliness and Friendship, with Mikhail

Gorbachev, Snegur said in an interview, trying to reassure those who suspected relations between Romania and the Republic of Moldova were getting too tight too soon, while some of his party members had accused him of that outright: *"We do not have any intention of uniting with Romania. This should be clear to everyone. There are too many suppositions being made around this matter."* Moreover, Snegur mentioned the need and availability for a cultural and economic confederation with Romania, emphasizing that: *"We are one people, with the same language. We have a common national heritage, cultural and historical monuments. We cannot just look at each other over the river Prut, as we have until recently."*

During an official visit to Chisinau in March 1991, the Romanian Foreign Minister, Adrian Nastase, said that in building relations with the Republic of Moldova "...we must take into account the European realities, we should consider Moldova's statement of sovereignty, and we should take into account the desire of this republic to embark on the road to full sovereignty and independence. We should accept, for the moment, the existence of two Romanian states, hoping to travel together towards a deep cultural and economic interference, and a cultural and economic confederation, and to be able to preserve the present with a view to a future that will allow us to think about a border, even spiritual, that will no longer have any significance to the left or to the right of the Prut". "...having in mind the community of history, ethnicity, language, tradition and culture, with the majority population in the Republic of Moldova, our relations with this republic that proclaimed its sovereignty on June 23, 1990, acquires special dimensions and nuances", said Romanian Senate President Alexandru Barladeanu, early in 1991.

President Iliescu expressed his opinion about the Romanian-Moldovan relations during his visit to Moscow, to sign the Soviet-Romanian Treaty. In a press conference in the USSR capital, the Romanian president said that the signed Treaty took into account the assertion of the soviet republics' sovereignty. *"As we all know, said the Romanian president, the Republic of Moldova has declared its sovereignty and, in this context, it can develop bilateral relations with any country, Romania included. If you wish, president Iliescu concluded, we can say there are two sovereign Romanian states."* After the Treaty with the USSR was signed, the

Romanian Government decided to set up an under-secretariat, later turned into a permanent secretariat for the Republic of Moldova with the Foreign Ministry, *"to systematically follow the development of activities, both in the economy and in science, culture, politics and human relations."*

In the field of economic cooperation, the two states set a target of 100 Moldovan-Romanian joint ventures. On June 10, 1991, the Ministries of Culture on both sides of the Prut signed in Chisinau the Protocol of Cooperation in Arts, Cultural Animation, Libraries, Publishing Houses, Education, Theater and Film. In the 1990-1991 academic year, 1,150 students and Ph.D. candidates were already studying in Romania, and 1,200 Moldovan students received scholarships from the Romanian State. As a confirmation of the consistent efforts of spiritual integration, the cultural activities of the second "Bridge of Flowers and Romanian Language" took place on June 16, 1991, when, according to data from the Moldovan Ministry of the Interior, 240,000 citizens of the republic crossed the Prut and entered Romanian territory.

Between the revolutionary events in Romania, at the end of the 80's, and the collapse of the last empire, Moldovan-Romanian relations were perceived in Chisinau and Bucharest as a sort of Soviet-Romanian relations. These relations were based on the joint efforts of the two countries to come back to a natural order of things, where there was recognition of the fact that Moldovans and Romanians belonged to the same nation, with one language and one culture. Chisinau and Bucharest were both convinced that, under circumstances of freedom and democratic development, economic and cultural cooperation would lead to privileged and special relations between the two Romanian states. Certainly, in its relations with the European countries, USSR included, Romania was guided by the principles of the Helsinki Final Agreement, reasserted in by the Paris Charter for a New Europe. Romanian authorities also had to consider the political developments within the former USSR, under "perestroika" at its fullest, which was to result in a more democratic regime, with a higher degree of independence of the Union republics and more openness towards the outside world.

The Romanian Government received the Republic of Moldova's declaration of independence with great satisfaction, on August 27,

1991, as it was *“part of the logical process of democratic renewal, of dismantling the communist totalitarian structures”* in the Soviet Union. The Romanian Government met *“a noble duty in saluting the historic act of self-determination of the people in the Republic of Moldova, of fulfillment of their legitimate desire for freedom, democracy and national self-determination”*. *“The proclamation of an independent Romanian state on territories that were forcefully annexed as a result of the Molotov-Ribbentrop Pact secret pact stands for a decisive step forward towards the peaceful removal of its consequences, that were directed against the rights and interests of the Romanian people”*, the Romanian Government continued in its Declaration. Romania recognized the Republic of Moldova immediately, as an independent state, stating its readiness to establish diplomatic relations, as it saw in the proclamation of independence of a second Romanian state a decisive step forward towards the removal of the unfortunate consequences of the secret Soviet-German pact of August 1939, and it considered this step as a stage towards the achievement of a Romanian unified nation state.

At the end of October 1991, President Snegur took part in the meeting of the former chiefs of Union republics, held in the capital of Kazakhstan, Alma Ata, where internal administrative borders, turned into real borders between new independent states in the former Soviet Union, were recognized as inviolable. Speaking about the matter of a potential union of the Republic of Moldova and Romania, the Moldovan President said the option was supported *“in fact by the leaders of the Popular Front, whereas 95% of the population does not agree”*, choosing to have a sovereign and independent Moldovan state. These statements by Mircea Snegur showed a definite change in the position of Moldovan political leaders as to the special and privileged relations with Romania, in the context of relations with the Russian Federation and other Union republics, seeking new avenues of cooperation.

At the end of December 1991, the leaders of 11 independent States, except for the three Baltic States and Georgia, signed in Alma Ata a set of documents, founding the Community of Independent States (CIS). In his speech before Parliament, President Snegur justified the participation in the Alma Ata meeting by claiming the Republic of Moldova's right to join unions

of states, to delegate some powers of its own free will, to take such powers back or leave such unions, as per the procedures set in the respective Treaty. After the Republic of Moldova joined CIS, differences between the Popular Front, supporting the union, and the central authorities of the young Moldovan state, more concerned with consolidating independence and combating secessionist trends in the South and East, grew more and more obvious.

Moldovan leaders justified joining the CIS through the need to preserve partnership relations with the former metropolis, in order to defuse the conflict with Transdnistrian separatists and to obtain the withdrawal of what used to be the 14<sup>th</sup> Soviet Army, as well as its ammunition and weapons, from Moldovan territory. Actually, the Republic of Moldova did not even manage to get formal guarantees from Russia regarding these two crucial issues for the consolidation of its territorial integrity. By joining this community of former soviet republics, the chances of soviet supporters were reduced drastically. This political objective of the forces supporting the strengthening of the Republic of Moldova's independence, which did not perceive the integration with Romania as an immediate objective, was noted in the Declaration of the Popular Front on December 21, 1991, after the signing of the AlmaAta documents by the chief of the Moldovan State.

The development of events in the Republic of Moldova, as well as the changes within the political forces that fought for democracy and national emancipation played an important part in the representation of these trends in foreign policy and the relations with Romania. Using the terms that were later introduced in the Moldovan political vocabulary, we can say that the minority pro-Romanian unionism coexisted peacefully with the majority Moldovan "fundamentalism", as part of the general democratic trends of that period of assertion of the anti-totalitarian and pro-democratic opposition in the Republic of Moldova. After the declaration of independence, an important part of the Popular Front considered the right moment had come to formulate the union of the Republic of Moldova and Romania as a main strategic goal, which came in blatant contradiction with the heterogeneous nature of the movement itself, with the real motivation and state of mind of most of its members, with the high degree of Russification of the population and with the economic dependence on other

former Union republics, about to be surpassed. This decision was also speculated by separatists in the South and East of the Republic of Moldova, to justify the conspiracy against the State's independence and the political support for the armed rebellion that followed, resulting in the territorial division of the country.

As the Front was divided in the first year of sovereign existence, since one of this mass organization's primary goals - maximum independence from the former Soviet Union - had been achieved, political forces in the Moldovan Parliament were also drawn closer together. The activists of national emancipation could be found in a number of political parties, which did not wait to engage in a fierce struggle for power, following the traditions of the Balkan-Carpathian space. The unionist option was embodied and manifest in the radical-nationalist Popular Front, and the Intelligentsia Congress, later renamed as the Democratic Forces' Party, a moderate and liberal version of the same political direction. The middle chain link was the national nomenklatura, represented by the rulers and their followers and made up the parliamentary fraction "Rural Life", the foundation of the future Democratic Agrarian Party in the Republic of Moldova. Some deputies, who did not feel they belonged in any of the main parliamentary groups, declared themselves independent, to further join those with more chances to remain in power.

I can take the risk to say that the popular characteristic of the democratic and national liberation movement in the Republic of Moldova, in 1989-1991, can be mostly, if not fully, explained by the Moldovans' effort to keep their identity and stop the sovietization and russification processes, by rejecting the soviet regime, unable to stabilize the economic situation and to improve life standards. Only a minority of intellectuals plunged into the fight due to their national and democratic ideals. The Popular Front, as a social and political movement, as the engine of the events prior to the collapse of the last empire, was supported by most Moldovans, who saw in it a real alternative to the impotence of the soviet regime, in agony and disintegration.

Because the high degree of uprooting and sovietization of most Moldovans was ignored, and the complex issues of going back to the civilized, therefore European and free, development were treated simplistically, premature political goals, impossible to

achieve, have been formulated. The opposition, artificial for many reasons, of the Romanian and Moldovan identities, which are actually different only in intensity and not in deep contents, was the most destroying and costly initiative that fed many internal conflicts and turned local political thinking to a destructive path, without any future. The reintegration of Moldovans in the common ethnic space, exclusively by uniting the two Romanian states, raised a lot of suspicion from the former metropolis that made important efforts to hinder these plans and complicate the Republic of Moldova's existence as an integral and independent state.

Under the circumstances of the quick collapse of the socialist block followed by the downfall of the former USSR and the need to identify a secure role and place in the new international context, Romania promoted a somewhat prudent policy in its relations with the Republic of Moldova, trying to support its effort to gain and consolidate its state independence. The destabilized domestic situation in the Republic of Moldova, as a result of the separatist actions by Tiraspol and Comrat authorities, the presence of a Russian army in the Republic of Moldova, especially in the eastern counties, the uncertain Romanian-Russian relations conditioned Bucharest to support the Moldovan policy of strengthening its independence and assuring the territorial integrity of the neighboring country, granting Moldovan leadership diplomatic assistance, support in international bodies and institutions and developing privileged and special bilateral relations, in the political, economic and cultural fields, first and foremost.

Therefore, a number of main trends followed one another during the period between the statement of sovereignty of the MSSR as part of the former Soviet Union and the Republic of Moldova's accession to CIS, few months after declaring its state independence, depending on the evolution of the domestic situation and the relations with the former metropolis:

1. Establishment of special relations between the Republic of Moldova and Romania, as two Romanian states, recognizing the historical, cultural and linguistic community;
2. Obtaining the independence and development of the special and privileged Moldovan-Romanian relations and pro-Western policies of the Republic of Moldova;

3. Consolidation of the state independence first attempts at solving the issue of territorial and political separatism by maintaining priority relations with the Russian Federation and other former union republics, by joining CIS.

When the majority parliamentary group “Rural Life” took over the political initiative in the Moldovan government structures, after the division of the Popular Front, in the 1989-1991 structure, there was also a change of emphasis and priorities of the foreign policy promoted by the young Moldovan state, leading to changes in the Moldovan-Romanian relations as well. The victory of the Democratic Agrarian Party in the parliamentary elections of February 1994 allowed the agrarians to introduce the changes they wanted in the country's foreign policy in keeping with their own philosophy which started from a set of simple ideas, understandable for the voters in rural areas, and opposing the pro-Romanian and unionist options, promoted by most social and political parties to the right of the political range. These changes and amendments were eloquently expressed in the Concept of Foreign Policy of the Republic of Moldova, passed by Parliament on February 8, 1995, a document that aimed mainly at structuring and formalizing the trend of foreign policy in the Republic of Moldova, also standing for a political credo of the new ruling majority.

The Concept starts from the need to capitalize on the geographical location of the Republic of Moldova, which, according to the authors, is crucial in establishing mutually beneficial relations with European countries, providing the Moldovan state with the opportunity of becoming an important regional crossroads for transportation, telecommunication and other routes. This basic document for the foreign policy of a young, almost unknown, state does not attempt to place the Republic of Moldova in a dynamic context of changes on the old continent and at a regional level, as the conceptual and analytical approach was replaced by a schematic and declarative one. Anyway, this document notes the status of friendly and neighborly relations with Romania and Ukraine, as priorities for the moment, also mentioning that *“it is very important to extend and deepen relations with the Russian Federation, Byelorussia, other CIS countries, with the seven industrialized states”*. Another priority direction of the Moldovan foreign policy is the establishment of



mutually beneficial relations with all CIS member states, in the political, economic, technical, scientific and cultural fields. Referring to the *"particularities of historical development, specific traits and geopolitical situation"*, bilateral relations with the Slavic states in the former USSR are considered priorities. These relations are important because, says the Concept, *"political stability and the success of economic reforms in the Republic of Moldova depend on them"*.

The relations with Romania, *"a neighboring country"*, are considered of great importance for Chisinau, both because of the actual vicinity, and because of *"historical and cultural reasons"*. The cooperation with Romania is taken into account *"in order to overcome unilateral economic dependence (on CIS - author's note) and integrate the Republic of Moldova into the European space"*. The Foreign Policy Concept aims at *"including the Republic of Moldova in the idea movement for the development of the New Europe concept, integrating the country as an equal partner of other countries in the structures, development and new spirit of cooperation, shaping and maintaining a framework of relations with the whole international community, to ensure stability and prospects to the Republic of Moldova's relations with other countries"*. Finally, the document stipulates that the dynamics of international, regional and sub-regional policies imply a continuous adjustment of the promotion strategy of the Republic of Moldova, according to its national interests, as a topic of international law.

This Concept expresses the visions of the ruling classes, agrarian and nomenclature based, russophile and opportunistic in its style of seeing new challenges and risks in the post-communist development period. The attempt to combine integration in the Euro-Atlantic and post-Soviet spaces at the same time, in an eclectic manner, and of placing the Republic of Moldova in this contradictory context, derived from *"national interests"*, to be taken into account, as it were, by both the Russian Federation and the seven industrialized states, shows a dangerous level of dilettantism in the new ruling political class, most of it springing from agrarian and former party nomenclature. On the one hand, *"a major and future perspective objective"* of the Moldovan state is *"the gradual integration in the European Union"*; on the other hand, the final goal of CIS cooperation is *"the creation of a*

*common economic space, based on the principles of a market economy*”: Chisinau was trying to promote a policy that was to be assimilated by one agrarian leader to shooting two birds with one stone. Another aspect of equal importance in the behavior of the new political class in the Republic of Moldova, mostly made up of former “kolkhoz” presidents and high dignitaries of the Soviet regime, could find its manifestation in this Concept, as a sort of peasant “diplomacy” of appeasing all those who may be crucial in solving one matter or another.

Mihai Razvan Ungureanu, in his capacity as special emissary of the Stability Pact for South Eastern Europe said, in October 2001, at the end of a short visit to Chisinau: *“Moldova has the harmful policy of a village accountant, who makes a careful inventory of pro-European or Eastern policies, classifies and directs them based on very fluid priorities, keeping them for months and months in a portfolio, finally forgetting about them and losing any track of them. What follows - sudden, non-professional reactions, without any care for details and awareness of consequences. This delicate relationship cannot improve the European path of the Republic of Moldova, less of all to rehabilitate its economic situation.”*

After the spectacular failure of the Agrarians in the 1998 parliamentary elections, democratic and reformist parties made up the Alliance for Democracy and Reforms, which drafted a Government Program for 1999-2002, called “Supremacy of the law, economic rehabilitation, and European integration”. The Cabinet led by Ion Sturdza tried to review the Foreign Policy Concept passed by agrarians. The government's priorities in foreign policy were connected to the consolidation of independence and integration in the European Union. In terms of bilateral cooperation, the government aimed at deepening partnership relations with Romania and Ukraine, including a final legal framework of cooperation and development of a tripartite cooperation between Romania, the Republic of Moldova and Ukraine. The new policy also encouraged continuous “constructive relations with the Russian Federation, based on mutual respect - as the Federation is the main supplier of energy resources and the main consumer of national agriculture and processing industry products.”

The Sturdza Cabinet wanted to diversify economic and trade relations within CIS, emphasizing their bilateral components. CIS relations remained an important section of foreign policy for the government of the Alliance for Democracy and Reforms, but they no longer were an absolute and irrevocable priority. Although the activities of the Sturdza Cabinet did not involve a radical change in foreign policy and bore the obvious mark of IMF and World Bank memoranda signed by the Republic of Moldova, this document lays the ground for a more realistic policy, less dependant on the ideological clichés of the old bureaucracy returned to power. As the Sturdza Cabinet was ousted in November 1999 by the "monstrous" coalition made up of communists, frontists and followers of president Lucinschi, this executive did not have a chance to ensure a considerable change in foreign policy. The Cabinet led by Dumitru Braghis took over most of the priorities of the previous government, trying to re-launch relations with the international donors and improve relations with the major European bodies.

When the communists came to power in February 2001, with their pro-Russian and anti-Western orientation, local and foreign political analysts were expecting to see a sudden change in the country's foreign policy, according to the election promises made by the party, which would reflect on Moldovan-Romanian relations as well. But this leap back in the past was the beginning of a period of paradoxes in the new government, especially as far as the foreign policy was concerned. Although they focused on the election promises to join the alliance between Russia and Belarus and consolidate CIS, Moldovan communists finalized the complete accession to the Stability Pact for South East Europe in no time, restating the pro-European direction as one of the major priorities of the policy promoted by the Moldovan state over the past years. the Republic of Moldova has been accepted as a member of the World Trade Organization and the communist government is about to unblock the relations with the IMF and World Bank, for continuous assistance to complete the necessary reforms for the setting up of a liberal capitalism in the Republic of Moldova.

It is obvious that communist party leaders realize the consequences of a rapid change of direction to the East, resulting, inevitably, in economic and financial difficulties, as Western

funding organizations are the main providers of technical and financial assistance to the Republic of Moldova. There is also a domestic psychological and social factor. The communists who came back to power are still marked by the huge popular rallies in the late 80's and early 90's, they remember the big national assemblies that destabilized the communist regime in the Republic of Moldova forever, and created the context for democratic and reformist forces to accede to power. This situation was obvious during the political crisis of this winter-spring in the Republic of Moldova, after ruling circles tried to put into practice election slogans referring to the introduction of Russian as the second national language and mandatory Russian studies in the schools with Romanian tuition.

The visit of the new Moldovan prime minister to Bucharest, in July 2001, for talks with Romanian Prime Minister Adrian Nastase about the priority bilateral cooperation segments gives the impression of new opportunities arising for the development of bilateral relations based on pragmatic visions and mutual benefits. *"We must be more active in promoting Moldovan goods on the Romanian market. To this end, we believe it is necessary to open a branch of the Moldovan Chamber of Commerce in the Bucharest Trade Center"*, said Prime Minister Vasile Tarlev on that occasion. The Romanian side expressed their wish to open a business center in Chisinau so as to give more impetus to economic and trade relations based on mutual benefits and to contribute to the establishment of closer relations between companies in both countries. Romania also confirmed its interest in taking part in the privatization process in the Republic of Moldova, especially in the energy field, spirits and tobacco products manufacturing. Concrete cooperation projects were also discussed, as the joint construction of the Iasi-Chisinau railroad, according to European standards, as well as building the bridge over Prut in the area of Radauti-Lipcani, connecting the electrical network between Russia and Ukraine with South East Europe, via the existing networks in the Republic of Moldova and Romania.

The European Union urged Romania to ensure higher security on its borders, including the introduction of passports, which meant that this country allocated one million USD to facilitate passports for certain categories of Moldovan citizens. Almost 30,000 citizens benefited of these measures: students in Romania, inhabitants of

the areas along the border, people with low incomes etc.

Bilateral relations started seeing a deep crisis as a result of the address made by the Moldovan Justice Minister, Ion Morei, before the European Court of Human Rights in Strasbourg in October 2001 when the Chisinau dignitary blamed Romania for interfering in the Republic of Moldova's domestic affairs by providing support to the Bassarabian Metropolitan Church. This political move placed Bucharest in a delicate situation, also feeding the suspicions about a possible conspiracy against Romania in order to keep this country under the Russian sphere or influence, by jeopardizing its approximation to European bodies and institutions. The Moldovan-Romanian relations deteriorated after the expulsion of the Romanian military attaché, colonel Ungureanu, on the pretext of his involvement in the protest rallies organized by the Christian-Democratic People's Party of the Republic of Moldova.

One month after this speech, the Chisinau media made public the famous directives of the presidential apparatus about the changes of priority in the Moldovan foreign policy. These directives urged state structures in charge with foreign affairs to embark upon the development of a new foreign policy concept, starting from the country's economic interests, and rely on the pragmatism and realism promoted by Voronin, as basic principles of the new ruling power, in order to strengthen the state independence of the Republic of Moldova. The assumptions, however, blatantly contradict the perception of the relations with neighboring countries, great European powers-to be, Romania and Ukraine. Without considering the idea that the Republic of Moldova is a second Romanian state, and disclaiming recent statements in this respect made in Bucharest, the presidency identifies as a main danger similar political and economic interests of our neighbors to the East and West of the Danube Delta (?!). The example given in this text is that of the Giurgiulesti terminal, which, allegedly, opposes the interests of Bucharest and Kiev to maintain the importance of ports in the Odessa-Iliciovsk and Galati-Braila areas. The aberration continues with the open (!?) recommendation of the presidential strategists made to the executive power, to use the differences between Romania and Ukrainian order to promote Moldovan interests. The indications become more and more bizarre, if we take into account the fact

that the Moldovan terminal on the Danube was an almost entirely political business, and the economic and financial benefits of this project are still obscure. What about the provisions of the Stability Pact, then, which stipulate neighborly and cooperation relations with neighboring countries as one of the main principles to ensure stability and security in this area of Europe?

Special relations with Romania are turned into more profitable and "more constructive" relations, as the Western neighbor is a real candidate for EU membership, and this might influence the approximation of the Republic of Moldova to the same EU. This shift is apparent in the approximation of Chisinau rulers to certain democratic, non-nationalistic and non-revanchist forces, allegedly existing in the neighboring country. The communist language and superficial approach of this crucial issue for the Republic of Moldova disclose a primitive nomenclature trying hard to appease political rhetoric and the realities of the new international order shaping up in South-East Europe.

Irrespective of the communist rulers' visions about the relations with Romania, this country has been accepted into the Schengen space and started full accession negotiations with the EU, which will have an influence over bilateral relations as well, as this process is already influenced at the continental and sub-regional level. Many statements have been made about these potential political developments, on both sides of the Prut, but a deep and coherent study of the issue at stake remains to be done. Unfortunately, neither the politicians' statements, nor media articles cast any light over possible development scenarios on either side of the Prut, which is now becoming a border river to Larger Europe.

Bucharest officials hurried to say that Romania's accession to the European Union would not affect special relations with the Republic of Moldova. Ruling institutions in Chisinau had no particular reaction, as the politicians' speeches and media articles were more or less ambiguous. The parliamentary and extra-parliamentary right wing parties expressed their concern that Romania might give up these "privileged and special relations", in order to advance approximation to the EU. Most leaders of centrist parties, however, think that a common border with the EU will be beneficial for the Republic of Moldova, especially in terms of

surpassing its social and economic crisis. On the contrary, left wing parties seized the opportunity to put a distance to integration processes in Europe, to restate their interest in integrating the Republic of Moldova in the post-soviet and Eurasian spaces. Anyway, according to the opinions of most non-committed political analysts in Chisinau, the establishing of European borders on the Prut River does not mean that Europe opens more to the Republic of Moldova, as hopes for a closer cooperation with the EU focus more on attracting foreign investment and a diplomatic solution to the Transdniestrian conflict.

One of the main consequences of the EU expansion to the East will be the establishment of the new borders of Europe in this part of the continent. This new delineation will start from Narva-Ivangorod on the Estonian-Russian border, winding along the Western Belarus border, separating this former soviet republic from Latvia, Lithuania and Poland even more, then Ukraine from Poland, Slovakia and Hungary, going down along the Moldovan-Romanian and Romanian-Ukrainian border in the Danube Delta. From a symbolical and practical point of view, the establishment and management of the new border of a unifying Europe will have a strong impact on the relations with the states outside the integration area and the European Union. A new iron curtain in the middle of a continent which, geographically speaking, is limited by the Gibraltar straight and the Ural Mountains, will undoubtedly be an obvious anachronism and a reminiscence of the cold war.

Secured stability and development of Eastern and South East Europe, undertaking a longer way to get in line with European rules and principles in order to be fully accepted in the family of European nations is one of the most important challenges of the European Union in expansion. Certainly, similar or overlapping long term interests of the "outsider" countries and the EU which are objectively interested in completing democratic reforms, in the economic and social field, first and foremost, in strengthening state institutions and structures and the civil society, may be able to turn these countries back to the path of European development. The strengthening of pro-European trends in the large Eastern states, as the Russian Federation and Ukraine, will prevent the division of Europe into various areas of divergent geopolitical interests. This situation is of utmost importance for the Republic of Moldova, because smaller states depend on the confrontation or

cooperation relations in their geographical area.

One of the main psychological and social issues in the perception of states outside the EU will be the feeling of isolation, which means, for the Republic of Moldova, a new separation from the natural space of Latin influence and European culture. The lack of coherence and consistency in EU policies in the main fields, foreign relations, enlargement and justice and internal affairs might lead to a new division of Europe. After the geopolitical changes taking place in Europe at the end of last century, the citizens of the Republic of Moldova, Ukraine and other newly independent states benefited from an open border policy, seen as part of a larger strategy to establish and maintain neighborly relations between European states. Such relations, based on openness and mutual interests, were encouraged by the West in the beginning of the democratic changes of the post-soviet space. Bilateral and regional cooperation is considered a main condition in preventing a destabilization of regional and sub-regional situations. The open border policy encouraged millions of people on both sides of the borders and brought its contributions to the overcoming of old prejudices, stereotypes and mistrust, in the years following the collapse of the bi-polar world.

The Republic of Moldova was among the first to launch market reforms and the first of the former "sister-republics" to bring the communists back to power. Irrespective of political directions, the main Moldovan social and political forces, and political class as a whole, realize that the Republic of Moldova has to find its place in Europe. As an independent state, after almost 500 years of lack of freedom, the Republic of Moldova is in the difficult process of abandoning its totalitarian past, and has proved unable to find, at times, coherent means to surpass the identity crisis deeply rooted in the historical past and the high level of denationalization and sovietization, continuously promoted by Moscow over the whole post-war period. The economic and social difficulties, the political and territorial breakup which maintains the country in a state of division, the chronic instability springing from the general crisis which started with the separation from the old metropolis make it even more difficult for the Republic of Moldova to define its priorities in relation with the international world and to promote a consistent policy regarding the country's relationships with its neighbors and in the context of the European integration. As they



have to face more and more difficulties and risks, ruling circles of various political affiliation in Chisinau were often tempted to use simple solutions in promoting an equal distance policy to the East and the West, placing the Republic of Moldova in an area of a quasi-total indifference, extremely risky for a small state, recently emerged on the European map.

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## **Chapter II**

### **Shortcomings in bilateral relations regarding the legal and institutional border control framework**

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Taking into account the specific issues related to a secured border between Romania and the Republic of Moldova, a pyramid approach is needed to tackle the legal framework, regulating the bases of border cooperation, by means of framework laws completed and harmonized with provisions of sectoral agreements. Each country has the role of making an inventory of its own legal framework with respect to this topic (and one important regulatory aspect would be a border treaty between the Republic of Moldova and Ukraine, as the lack of such a treaty has direct disadvantages for the Romanian-Moldovan border), but also to use specific perspectives in identifying those particular fields where a joint analysis with the neighboring country is necessary, in order to find solutions that meet each country's needs.

As far as each country's priorities are concerned, there are differences on the working agenda. Moldovan experts approached for this study consider the state border between the Republic of Moldova and Romania to be clearly delineated, therefore, from their perspective there are other priorities to discuss. Romania, on the other hand, believes that the inheritance of the right to implement USSR treaties and agreements by the Republic of Moldova needs to be examined together with Romania and not generally dealt with, based on the legal inheritance principle. This comes in response to the point of view expressed by the Republic of Moldova (we are discussing the views of participants representing border institutions) referring to the taking over by the Republic of Moldova, after the dismantling of the USSR, of the responsibility to implement certain treaties on the Romanian border, which do not necessarily imply a new delineation procedure, but rather joint technical actions.<sup>1</sup>

Moreover, a number of documents and decisions do not as yet have the legal format and power deriving from a bilateral

agreement. The issue is not necessarily related to certain decisions, but to the legal weight carried by each of them, for example the decisions regarding the opening of border crossing points, passed by the Interministry and Sectoral Groups Committee, with a view to facilitating border traffic. Verbal agreements have not been published in the legal register of the Moldovan state, which means that the relative provisions are null and void.

The European legislation in the field is also important, as countries with a strong democracy have institutionalized these principles and practices. The harmonization process should take into account the content of international agreements and commitments each country has signed and is bound to observe. Last but not least, especially for Romania, its concern is commendable; to take into account European trends regarding various aspects of secured borders, as is the status of border crossing for citizens engaged in small traffic, an idea that is not applied in the Schengen space. Thus, for this category of citizens, Schengen countries apply the same rules as for other citizens.

Starting from this perspective, both countries should:

- Develop new legislation in completion of the current legal framework regulating border securing activities to be achieved with the support of the authorities in both countries; one important legal document should be the drafting of a border treaty.
- Provide a bilateral climate for assessing the implications of bilateral treaties signed by the USSR and Romania, and inherited by the Republic of Moldova, with a view to changes that have taken place. Further discussions are necessary in both countries, regarding the timeliness of amending or completing some of these provisions, depending on the current interests of the two nations. Some of these should be reassessed in Romania as well, before they are taken over and assumed as such by the Republic of Moldova.
- Update existing agreements, even by renegotiating some of them, starting from current border realities;
- Review the results of some previous discussions and decisions, in order to pass new decisions on their timeliness, using the best legal formulas (one example is a

decision made during a joint session of the Sectoral Group for the facilitation of border trafficking, in 2001, about a draft agreement to be developed for joint checking. Another decision was made, on the same occasion, to implement a pilot project in two border crossing points, using these approaches);

- Synchronize provisions for a specific border with other provisions, regarding relations with neighboring countries, in order to obtain a global vision, to identify and implement unified border checking standards;
- Monitor the implementation of existing agreements - a recently implemented practice for both Romania and the Republic of Moldova,

but also:

- Implement other agreements, already in force.

Mentions have been made:

- Fields where regulations must be enforced. Especially if Romania joins the EU, there should be a regulation of the border crossing status for Moldovan, and Romanian, citizens, traders and individuals who cross the border more than once a day, for business purposes. As far as the Republic of Moldova is concerned, self-employed entrepreneurs make up for an important part of the population, as they try to add to their income and cope with daily economic pressures. The Republic of Moldova has proposed the unification of these procedures with the current procedures in the Upper Prut and Lower Danube euro-regions, of which Romania, the Republic of Moldova and Ukraine are members. *This proposal is analyzed in detail in another section, referring to the crossing of the border using an ID card, in the larger context of particular border crossing procedures.* As far as Romania is concerned, the issue of small border traffic should not be the object of separate procedures, on the contrary, it should observe the requirements assumed by Romania as part of European integration, regarding all Moldovan citizens crossing the border to Romania.

On the other hand, the border checking requirements and the European standards in the field, impose the drafting of sectoral agreements between the two countries, in order to bring them as

close to the local issues as possible. Debates have been held about the timeliness of the sectoral agreement on:

- The exchange of information at the border checkpoints, at the same time with the setting of technical conditions for a permanent and fluent transfer.
- The operations of border crossing points and the opening of new points, if appropriate. None of the suggestions coming from the Moldovan team should be ignored, referring to the listing of all joint agreements and memoranda (including drafts) about the opening of new border crossing points, to be acknowledged by both parties.
- A decision to be passed, about the status of border crossing in the future, for the inhabitants of border counties. The study of European practices, especially in the context of their increased weight for Romania, as they express a current working mode Romania wants to be able to use, as it joins the EU.

There are other particular issues, as for instance:

- The status of motor and river communications etc.

In other situations, the legal framework should be completed with regulations to urge the implementation of existing laws, by suggesting:

- The urgent draft of a protocol regarding the implementation of the re-admission treaty.

The following aspect was considered timely:

- Conducting an analysis on the renegotiations of the free trade agreement between Romania and the Republic of Moldova related to the setting up of a free trade exchange area. The agreement was drafted on February 15, 1994 and ratified by a law, the same year (Law 94/10.11.1994). The experts approached in the current project have often referred to the timeliness of updating. The same debates pointed out the important expertise to be brought by the Stability Pact, as it provides connections with other countries dealing with the same issues.

The need was also specified:

- To monitor the implementation of the agreement on customs cooperation and administrative assistance in the

field.

The practice of monitoring the effect of enforcing current legislation is not sufficiently implemented in the area; European countries with a stronger democracy and a more coherent pace in amending legislation usually monitor and analyze the impact of legislation by metering malfunctions and using these analyses to draft new legal texts completing the existing body. For countries with budget constraints, the assessment of investment (including that in border checking equipment) would contribute to more efficient expenditures of public, and also international, funds. The impact analysis does not measure only the relationship between investment and impact, but also the impact of the global border management, what seems to be necessary to implement in current practices.

Last but not least, there are situations where regulations are not unequivocally linked with the legal framework (though they are influenced by it). Legal methods can be found to help implement standards as flexibly and comprehensively as possible. The Customs Authority and the Border Police, institutions dealing in border-related issues, have ethics codes to complete the legislation on the setting up and operations of the line institutions, where behavior and uniform rules are specified, for officers working in these institutions.

Some elements connected to the Romanian-Moldovan border that require additional regulations are already mentioned in the current legal framework, and they should be updated, according to the new situations along the border.<sup>2</sup> Reality shows that, at the moment, both Romania and the Republic of Moldova have initiatives and concerns regarding the review and completion of legal standards, their harmonization with the European principles in the field, but also with the legal provisions in connection with other relating sectors of the same importance. There have been debates about the harmonization of the legal provisions regarding border control with those regarding aliens, asylum-seekers or refugees, to mention only a number of important elements of our concern.

As the Romanian Customs Department is concerned, starting with 2002, it introduced new provisions “regarding anti-fraud

activities in customs offices, planning of anti-fraud customs checking, by consultations with the institution members and counterparts in the neighboring countries, in order to establish priorities for the prevention and disclosure of customs fraud. Specific tasks have been stipulated and the enforcement staff has been assigned<sup>m3</sup>.

In general, debates held with representatives of governmental institutions and NGOs show openness from both the Romanian and Moldovan institutions, while most remarks refer to the enforcement of laws, rather than the lack of laws. Romania passed many laws and agreements with the Republic of Moldova in 2001, in order to give impetus to bilateral cooperation for border control issues. The Romanian General Border Police Inspectorate and the Moldovan Border Troops signed a protocol, based on a previously concluded agreement, on the mutual trips of citizens in both countries, using passports; this protocol included the exceptions for students, pupils and workers. In July the same year, the Alien Readmission Agreement was signed, which is a very important legal document for the listing and solving of illegal crossings.

There are also elements related not to the lack of legal standards, but to various hindrances. One eloquent example (also detailed below, in the chapter on illegal migration): the Presidents of Romania, the Republic of Moldova and Ukraine signed in 1998 a Memorandum of cooperation in combating crime, and in 2001, the three governments signed an Agreement on the same topic, identifying cooperation mechanisms (and even the framework for a systematic exchange of information and data), but these did not lead to an automatic implementation of the provisions.

Notwithstanding the minimum exchange of opinions and contacts, Moldovan representatives have only recently started to attend the meetings on combating cross border crime, organized in Galati, Romania, where the Republic of Moldova sent a Border Troops representative. We have information that the situation has improved, but the fact is still eloquent: although there are legal provisions, there is a lack of participation in the debates on the implementation of the same provisions.

We should emphasize, however, that existing habits should be

translated into clear and coherent provisions, in order to institutionalize relations and practices along the Romanian-Moldovan border, both in existing and newly-opened border crossing points. The ratification procedure is also important, as parliamentary approval carries more weight than ratification by Government Decision. Both countries noted shortcomings in the field, the Republic of Moldova also facing the need to regulate the status and checking procedures along its Eastern border. On the other hand, the Republic of Moldova has already ratified the bilateral agreement with Ukraine, regarding border delineation. There are concrete suggestions, as the mutual recognition of border usage certificates, and there are even more examples on the need to harmonize measures and provisions.

One of the factors that could have a decisive contribution to the cooperation between similar institutions is the harmonization of the main responsibilities at the same level of competence. There are differences between the ratio of responsibilities shared by the Border Police and Customs Offices at the border check points on the Romanian and Moldovan sides, as in the Republic of Moldova the Customs Service has more responsibilities. Certainly, each country has a domestic policy regarding the responsibilities and competence levels of the institutions involved in border crossing activities, matching local needs and the hierarchy in the public government of that particular state.

It is also important for the legislative agendas of the two countries to match, for them to be examples for each other, in order to bring political debates to closer stages. We are, of course, discussing the agenda of debates and approval of bilateral legal documents, as each country has a legislative body to regulate domestic institutions. For example, Romania delayed in ratifying the alien readmission treaty as compared to the Republic of Moldova, which led to a number of malfunctions still pending in practice. We do not want to state that this is the reason why the authorities of the neighboring country delay in taking over aliens who crossed the Romanian border illegally, but a synchronized ratification of a bilateral agreement would definitely contribute to more efficient activities related to border control.

Last but not least, the accountability of institutions in charge in each country and encouraged cooperation at the political level, as



well as between experts and practitioners should be supported by measures taken by other countries in the region. The issue of border crossing between Romania and the Republic of Moldova does not refer only to the citizens of these two countries, and moreover, it does not imply stability and security only for the two countries divided by the respective border. Necessary measures are less and less the responsibility of only two nations, directly separated by the border, and depend more on the involvement of third countries in the region. Trafficking in human beings, for instance, has effects not only in the neighboring country - no matter which country that may be - but also in all the countries these individuals travel through - be it in Europe or on other continents. This explains the participants' concern not to exclude from the analysis the role and responsibility in the field of a country such as Ukraine.

There was a concrete proposal in this respect:

- The implementation of the Tripartite Agreement on cooperation against crime signed by the Governments of Romania, the Republic of Moldova and Ukraine, in Kiev in 1999, especially through the border Contact Center in Galati.

Discussions often focused on the role of third countries in the updating and completion of the legal framework. Thus, in the context of the discussions on treaties other than bilateral treaties, whose legal value and regulations surpass Moldovan-Romanian bilateral relations, recommendations were made to examine the legal grounds from a global perspective. For instance, the Republic of Moldova believes that the problems which are specific to the border between Romania and the Republic of Moldova are directly linked to identifying those ex-USSR treaties that are still applicable in the bilateral relations between the two countries in the conditions in which the Republic of Moldova assumes the role of the rightful continuator of the former Soviet Union regulations on the common border with Romania, adopting however a selective succession line.<sup>4</sup> International law does not refer to the principle of inheriting the right to implement legal regulations. The Republic of Moldova should be careful in analyzing this aspect, taking into account the fact that this inheritance should not exclude consultations with the country at stake, to analyze the timeliness of applying this regulation in the current situation. This

is why, if such consultations with Romania did take place, they should be mentioned as such.

The participants from the two states represented in the project often mentioned the role of international institutions, both in the effective improvement of border management and in terms of political decision, especially when it comes to such a complex topic of interest for the whole region and continent. Concrete proposals have been made regarding international practices, but also diplomatic decisions for which Romania and the Republic of Moldova needed to cooperate. Moreover, Moldovan representatives suggested Romania to coordinate the actions for a simplification of visa procedures for Moldovan citizens in Western countries consulates. *More details about the technical aspects of this topic in chapter IV.*

Nowadays, it is more and more obvious that the regulation of the legal framework on certain topics needs the support not only of the countries at stake, but also of other European countries, which are not necessarily neighbors. There are elements that are translated by countries into domestic or bilateral legal regulations, if they are appropriately assumed, but these elements are not enough to regulate international situations. Affected countries raise more and more often the issue of international cooperation, of initiating foreign impact projects, with the support of countries in the region. For example, apart from the suggestion that Romania should take international actions to support a neighboring country, there were also talks about the involvement of other international players who might have the expertise and authority, to provide support in solving the Transdnistrian conflict, as this is one of the permissive areas when it comes to illegal crossing of individuals and banned products and merchandise.

We must highlight the realistic and responsible approach shown by the Moldovan representatives in the discussions with Romanian experts in similar institutions about the securing of the Romanian border, in relation to the measures that need to be taken to secure the border with Ukraine. The need was also mentioned in the conference, for the Republic of Moldova to delineate its Ukrainian border at the same time with the measures taken to enhance security. As compared to the situation of the Romanian-Moldovan border, there are achievements that could

be made public and capitalized on, in order to increase security for the crossing of the Ukrainian border.

At the same time, Moldovan authorities admit that security measures for the Romanian border are strongly influenced by the situation of Transdnistrian citizens, or other individuals crossing this territory, as it is crucial to enhance checking measures in those areas. The representative of the Moldovan Ministry of Foreign Affairs recognizes that *“the fact that the Republic of Moldova has not solved its border issues up to now is also a consequence of the inefficient management of this issue by the Foreign Ministry, which did not have a special border section during the delineation debates with Ukraine, and does not have one now”*. We, therefore, signal the recommendation that came as a result of debates between Moldovan and Romanian experts, for the Republic of Moldova set as a priority to sign its own readmission agreements with countries of a migration potential.

Supposing that both the national legal framework and the bilateral agreements between Romania and the Republic of Moldova can provide the necessary climate for efficient border checking activities, legislation remains crucial, but not sufficient to have a properly secured border. More often, as it can be seen, border activity sets requirements that can only be met by an appropriate investment in staff and equipment, and, last but not least, by communication and institutionalized exchange of information between both institution leaders and - which is more important for this particular border - between those who actually perform the checking at the border crossing points. Some aspects which, apart from the legal framework, have an impact on the management of the Romanian-Moldovan border will be approached below since they, along other factors, could bring an improvement of the situation.

### **Recommendations**

- To speed up the signing of the border treaty between the Republic of Moldova and Ukraine (*Foreign Ministries of both countries*)
- To reconsider the bilateral legal framework taken over from the USSR as a result of the declaration of independence of the Republic of Moldova, regarding the relations with Romania, to update and complete it as needed. (*Foreign*

#### *Ministries of both countries)*

- To monitor the implementation of existing agreements and update them based on the new border control requirements (*authorities in charge in the field*)
- If Romania joins the EU, to regulate the border crossing status of the categories of citizens who cross the border frequently for business purposes, studies or family matters, facilitating the crossing by means of new categories of documents (*Romanian Ministry of Foreign Affairs, in line with the Schengen Aquis*)
- To decentralize decision making on border issues as close to the border as possible (*line ministries in both countries*)
- To sign sectoral agreements for an exchange of information in the border checkpoints, for the organization and operations of border crossing points as well as for ecology, communications etc. (*authorities in charge in the field*)
- To ensure a rapid implementation of signed agreements, by drafting the protocols between authorities in charge (especially for the recently enforced readmission treaty) (*signing authorities*)
- To analyze the timeliness of the renegotiation of the free trade agreement between the Republic of Moldova and Romania, for the establishment of a free trade exchange area, depending on the economic situation. (*foreign trade services of both countries*)

#### *Remarks about the history of legal relations after 1990*

After the 1989 events in Romania and the 1991 events in the Republic of Moldova, the legal framework of cooperation between the two states was amended as to be able to provide a foundation for the development of relations at various levels. Romania developed a number of laws, in the beginning of its diplomatic relations with the new sovereign state, the Republic of Moldova (recognized and welcomed officially), consequently reviewed and completed in the years to come. We will now list the main legal regulations, with the fields they regulate, in an attempt to identify political, social and economic priorities that have been concerns for leaders in Romania and the Republic of Moldova as well.

In the first years of diplomatic relations between the two countries (1991) the legal framework was mainly developed in order to set up and operate liaison institutions between Romania and the

Republic of Moldova (e.g. Decree no. 85/1991 for the opening of a Romanian Embassy in Chisinau, or government decisions on the cooperation of the Foreign Ministries or Ministries of the Interior). One year later (1992) a decision was passed, for the setting up of the Interministry Committee for Romania's relations with the Republic of Moldova; it is still operational and it systematically assesses the stage in implementation of cooperation projects with the Republic of Moldova.

In order to achieve a comprehensive cooperation with the Republic of Moldova, the Romanian Government<sup>5</sup> drafted a number of decisions of economic and social importance, as for instance: customs duty exemptions for goods imported from the Republic of Moldova (G.D. no. 591/1991), development measures for the Romanian-Moldovan trade relations in 1991 and 1992 (G.D. no. 777/1991) or the decision, amending another decision on the same topic, regarding the granting of scholarships, doctor's degrees and special training for Romanian youth in the Republic of Moldova and Ukraine, and printing of school textbooks for the Republic of Moldova (G.D. no. 757/1991).

In 1992, Romanian authorities supported (on the basis of a legal framework that was settled then) the Moldovan staff hired in the local public government or the Ministry of the Interior, with technical assistance. Assistance programs for scholarships, doctor's degrees and special training as well as other forms of material support for Romanian youth in the Republic of Moldova and Ukraine, continued (G.D. no. 235/1992)<sup>6</sup> and funds were allocated for the printing of school textbooks for Moldovan pupils (G.D. no. 343/1992). Other government decisions regarded the enhancement of cooperation and economic assistance for the development of the Republic of Moldova (clearing operations - G.D. no. 263 and G.D. no. 320/1992, or forest management in the Republic of Moldova - G.D. no. 351/1992). Romania's decision to support the development of the Moldovan state can also be seen from the analysis of legal regulations developed and approved at the moment. Here are some concrete examples. Funds were allocated from the Romanian state budget (actually from Romsilva budget) for the expenditures of the Bucharest Institute for Forestry Research and Planning, to help with the planning and management of Moldovan forests (G.D. no. 351/1992). G.D. no. 859/1992 approved the delayed return of a certain quantity of

wheat, borrowed by the Republic of Moldova from Romania in 1991 - 1992.

The year 1993 brings the institutional mechanism for the Romanian state to be able to allocate funds and assistance. Thus, although temporary at the moment, Government Decision no. 473/1993 stipulated the use of the Romanian Government Fund for the Republic of Moldova as a "technical credit". A number of new cultural projects were funded in 1993 (from the building and restoration of churches, training of staff and providing literature and orthodox religion materials for the Republic of Moldova - G.D. no. 612/1993 to the endowment of the National Library and the public network of libraries in the Republic of Moldova with valuable Romanian books - G.D. no. 634/1993, and also funding for the building of the Chisinau Village Museum - G.D. no. 754/1993). Moreover, interministry cooperation in various domains led to road rehabilitation programs for the Republic of Moldova - G.D. no. 753/1993, other projects in the Ministry of Tourism - G.D. no. 747/1993, and the Ministry of Public Works and Land Planning in Romania and the Ministry of Municipal Services and Housing in the Republic of Moldova - G.D. no. 500/1993.

Another important piece of legislation is that on the funding of economic and cultural integration measures between Romania and the Republic of Moldova, a first legislative document of such weight (Law no. 36/1993), funding until that moment being possible only based on circumstantial government decisions.

The year 1994 also brings new concerns for cultural and training assistance to be provided to Moldovan youth; consequently substantial funds were given to provide Romanian books and send Romanian teachers to the Republic of Moldova - G.D. no. 900/1994 and to conduct scientific researches in the Republic of Moldova - G.D. no. 901/1994. Scholarships were granted to Moldovan pupils and students to study in Romania, a tradition that continued every year, as the Romanian government allocated annual funds for these objectives. Particular funds were granted for youth that wanted to be trained in Romanian military education institutions - G.D. no. 95/1994.

It is important to mention that in 1994, Law no. 94 was adopted in order to ratify the Free Trade Agreement between Romania and

the Republic of Moldova. The agreement was concluded on February 15, 1994, in Bucharest and it is a legal instrument, which initiated a new period for the economic co-operation between the two countries. At present, the need is felt to review and improve the relevant laws, which only proves how critical such laws are for the trade relations between the two countries.

The Romanian government has been constantly providing support for the Romanian cultural activities organized in the Republic of Moldova. The funds for the research and study programs have been mainly channeled to archeology and history, without neglecting other domains. Students coming from Bassarabia have been benefiting from scholarships in Romania; in the mean time funds have been allocated for their practical training in Romania, according to the Government Decision no. 637/1993. As to the socio-economic level, funds were allocated to build bridges in the Republic of Moldova (G.D. no. 794/1995) and also to pay for the equipment supplied to the first welded pipes manufacturing line at the Protos Factory at Falesti, Republic of Moldova (G.D. no. 1037/1995). It is worth noticing another Government Decision no. 546/1995, meant to foster public local administration co-operation projects. Law no. 79 was also adopted in 1995. The law ratifies the Agreement between the Romanian Government and the Government of the Republic of Moldova on the railway transport co-operation principles and was signed on February 21, 1995, at Chisinau.

The 1996 powershift did not modify Romania's strategic objectives in its relations with the Republic of Moldova. The co-operation programs went on, both in 1996 and during the first year after the elections, following the same trends and still proving support for cultural activities and education. The inter-institution co-operation reached a more formal stage, as, both in 1996 and in 1997, decisions were adopted to approve various protocols and agreements between the Romanian Ministries of Tourism, Education, Health and Public Works and their counterparts in the Republic of Moldova. Notice should be given to the Romanian - Moldovan Treaty on civil and criminal legal assistance signed on July 6, 1996, at Chisinau, and ratified in 1997 by a special law (Law no. 177/1997).

In 1998, the Governments of the two countries signed the

Agreement on the mutual recognition of diplomas, certificates and scientific titles awarded by the education institutions accredited in Romania and the Republic of Moldova. The Agreement was signed on July 20, 1998, at Chisinau. The draft law that ratifies the Agreement was also initiated in the same year, but it was finally adopted in 1999 (Law no. 39/1999). The bilateral co-operation continued in 1999, as well, focusing on agriculture and the food industry.

During the year 2000 (election year in Romania), the same co-operation and assistance programs continued, while focusing on public works, land planning and developing. In June 2000, the Romanian Government adopted an emergency ordinance which stipulated that the National Electricity Company should be exempted from paying part of its debt to the state up to an amount of money equal to the price of the electricity delivered to the Republic of Moldova. It is also important to mention the Government Decision no. 247/2000 which has two important provisions: a number of assets pass from the public state property to the private state property and, at the same time, they are donated to an Association located in Chisinau, namely the Association of the Communist Occupation Regime Victims and also to the Red Army war veterans. During the same period, Romania acknowledged the East-West Society, which exists in the Republic of Moldova (G.D. no. 307/2000). The legal status of the Moldovan school and university students who were in Romania during the 2000 elections was legally regulated only in February 2001.

A new Government Decision was published in 2001 (G.D. no. 288/2001) in order to set up an Inter-ministry Committee for the Romanian-Moldovan Relations. Also in 2001, a law is adopted to ratify the Emergency Ordinance no. 79/2000 on the debt exemption for the National Electricity Company (Law no. 209/2001). Remember that the year 2001 is important for the present survey, moreover as the Government Decision no 802/2001 was adopted. The Decision refers to the Romanian-Moldovan Agreement on their citizens' trips to the other country.

Even if the strategic trends have been established ever since the early 90's, the inter-institutions co-operation protocols are renewed every year, bringing an updated approach to all issues



and priorities. While going through this general overview on the Romanian laws after 1990, we have been trying to identify Romania's priorities in matters of public, economic, social and cultural relations with the Republic of Moldova, and also the domains in which the co-operation between the two countries generated bilateral agreements beneficial to both countries. Still, one thing is obvious, namely the assistance granted by Romania to the Republic of Moldova, which also explains the privileged and special relations that Romania has established with its neighbor. Formally speaking, there has been a series of decisions that facilitated access to some government funds to finance various activities ranging from research and development to railways, agriculture and forestry. Thus, Romania has tried to find various practical institutional formulas for its co-operation with the Republic of Moldova for those sectors considered a priority. Since 1993, the Romanian Government has established a constant support fund for the Romanian - Moldovan co-operation activities.

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## Notes

1. Eugen Revenco, *Shortcomings in bilateral relations regarding the legal and institutional border control framework*, 2002, p. 3
2. A short history of the legal framework regarding the relations between Romania and Moldova after 1990 can be found below, in the sub-chapter *Remarks about the history of legal relations after 1990*.
3. Insp. Valentin Popescu, Coordinator, Department for Customs Surveillance and Fighting Customs Fraud - Risk Analysis Bureau, General Customs Directorate, *Inspection Procedures for the Border Checkpoints. Similarities and Differences*, June 2002.
4. Eugen Revenco, *idem*, p. 3
5. The legal documentation for this study showed that, in 1991, the Government was the initiator of draft laws and decisions, which started diplomatic relations with the sovereign Republic of Moldova.
6. The whole legal framework on scholarships has in view both youth in the Republic of Moldova and that in Ukraine.

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## **Chapter III**

### **Policy recommendations regarding control procedures at border checkpoints**

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The recommendations that follow do not offer the ultimate solutions to make the border surveillance more efficient. These are but practices and suggestions, which are working in the present Europe, some of them having been implemented in Romania in the past. Obviously, these are not the only possible measures to be adopted to secure the Romanian-Moldovan border, but they approach some efficient methods, as well as local solutions which could be added to the necessary legal framework and which provide more border control. If such suggestions referring to concrete measures are discussed (first separately, then during the bilateral talks), it might be beneficial for both countries, as long as both Romania and the Republic of Moldova are open to suggestions to improve the management of the common border.

On the other hand, one has to mention the fact that the present suggestions originate in the already tested European experience, while not really trying to impose their implementation without a thorough, complex local analysis.

#### *Joint control*

Joint control is a frequent practice in the Schengen countries in order to increase the efficiency and to streamline the way the border resources are used, to the equal benefit of all countries involved. Aware of the fact that there are major benefits which are worth the costs, many post-communist countries, where the economic reforms are just beginning to be fruitful, have decided to consider the practice of joint border control. For instance Poland and Ukraine signed an agreement in June 2001 to define the necessary legal framework in order to organize joint inspections at border checkpoints. As a result of this joint action, Ukraine is left with the necessary resources to strengthen the other borders, mainly the Russian one, which is a priority.

Even if a number of benefits can be identified as a result of the implementation of this method, the decision to institutionalize it

must rely on the local conditions, on the similarities and differences in matters of border management of all involved countries.

Joint inspection is an advanced form of co-operation between the border control authorities, in order to decrease the time at the border checkpoint, to improve the human resources management, the investments and the way they are maintained. It presupposes the joint use of all devices and equipment (by both parties, while they belong to only one of them), and all the checking is performed only upon entry. Therefore, the idea that inspection officers belonging to the relevant agencies must co-operate in a concrete manner is still a priority, as the very safe crossing of the border depends on the equivalent procedures and the thorough inspection. Such a procedure results in a shorter checking period (it practically eliminates the double procedure) as compared to what is happening at the borders at present. The Romanian - Moldovan border is not a unique case, but we shall tackle the opportunities and implications of implementing this measure for the above-mentioned border, as it is the focus of the present survey.

Having said that, it might be important to mention the example of the joint border checkpoint inspection on the Romanian - Bulgarian border, for which the operation parameters are currently being established. This is the most recent argument to pursue an analysis, which looks into the need to establish joint border inspection procedures. All the agencies with direct border prerogatives from both countries need to be involved; it is also necessary to have a common opinion and the commitment of all the agencies which play a part in this domain.

Over the last twelve years there have been talks between the two countries to simplify border traffic, and, at some point (in 2001, during a joint meeting of the Sectoral Group on the border traffic simplification) it was decided that a draft agreement should be prepared on the issue of joint control and the need to test it only at two border checkpoints initially.

Still open to this project, the experts from both countries involved in the present survey have stressed the idea that now it is necessary to perform a complex analysis as to how timely such a

project is and also as to the formula to be used to implement the practice of joint border control. The Moldovan participants, especially, have stressed the idea that such an analysis would be necessary for all future decisions and recommended caution when adopting decisions which are not thoroughly documented so as to avoid consequences difficult to solve later on.

The involved agencies refer to the joint inspection experience along the borders of the countries in the region or in Western Europe, as they want to have complete information and to reach the most efficient and also the most practical solutions in keeping not only with the local need but also with the European standards that both countries want to be in compliance with.

Such decisions will have to be implemented while also setting up a series of performance indicators, which is the current European practice. For instance, the European efficiency average after implementing the joint inspection is  $\frac{1}{2}$ , that is out of a total number of random joint inspections, about half are various crimes which are thus discovered. As a general rule, the following are analyzed:

- Quality indicators - the results obtained by this method are compared to the effort involved
- Quantity indicators - the activity load is analyzed, the actual number of inspections.

On the other hand, such an analysis should not exclude those proposals referring to intermediate solutions, if they can be instrumental in having secured borders between Romania and the Republic of Moldova. If all 9 border checkpoints along the Romanian - Moldovan border were analyzed and all the conditions and implications were studied on site, a conclusion might be reached that it would be strictly necessary and highly efficient to organize joint border control for some points and probably divide this activity in two stages, as the second stage shall be implemented only after monitoring the results of the first joint control border checkpoint. Certainly, such joint control border checkpoints shall be selected using transparent selection criteria, which each involved country has established and also agreed upon; moreover, such a procedure should be the result of a consultation process both among politicians and experts, if such an alternative method could also be feasible.

Both agencies that are directly involved in border inspection have been active in synchronizing their national and bilateral efforts and specific projects have been drafted. The Border Police General Inspectorate have been in charge implementing the *Frontiera* (Border) project, while the General Customs Department monitors the way the provisions of the *Vama 2002* (Customs 2002) are implemented. This action program was initiated in Europe in 1997 and it lasts until 2002, both European programs aiming at a unified and efficient control at all border checkpoints, along the relevant lines of activity.

### *“Mirror” inspection*

The representatives of the relevant agencies working at the border checkpoints are responsible for providing correct border inspection. On the other hand, the instances when the inspection regulations are violated have to be known and sanctioned, but at the same time, they have to be thoroughly prevented by the authorities immediately superior to the border checkpoint ones. Such complementary measures between the local level and the central authorities should not be an obstacle for the control officers whose activity is correct, therefore one must perform an attentive analysis of the “mirror” inspection procedure.

The “mirror” inspection method means to check the entry-exit logbook at all border checkpoints and to see whether the number of entries (for the whole country) matches the number of exits on the other side of the border. Experience shows that such inspections result in disparities, which, had they been known in due time, might have generated highly beneficial prevention measures. In fact, it so happened that various freight transports logged in as exits could not be identified as entries on the other side of the border. Generally, such irregularities involved alcohol and/or tobacco with a view to recovering the VAT. The most frequent cases of this type refer to companies that have branches, and it is in fact with the branches that a series of accounting flaws were recorded. Such cases generally involve a freight transport organized by the branch of a company. Unfortunately, it is again a matter of how poorly some Romanian state agencies are equipped, which has a negative impact on the inspection speed and the sanctions. It is the case of the Financial Guard which does not have a national IT system, so it does not have the technical possibility to institutionalize a permanent information exchange

system among its units all over the country, and this is a situation which is beneficial to all those whose profession is to break the law.

“Mirror” inspection may be performed through a random control system, focusing on specific types of vehicles over a limited period of time. It may be used depending on the information and the notices registered with some border checkpoints, and the aim is to record irregularities which might be subsequently prevented or sanctioned immediately. It would be worth carrying out an analysis of the effects after implementing this measure, and also of the costs and benefits; such an analysis might generate comments made by the agencies involved, if such a practice were implemented over a longer period of time.

*The national database - a means to organize a permanent and structured exchange of information.*

Even if the conclusion of a multisystem analysis were that, for the moment, it would not be appropriate to implement joint control, we consider that both countries have to boost their efforts to set up a permanent information exchange system so as to streamline the border control. Any systematic exchange of information can only be a real support in order to reduce the crime rate in that area, but also in order to create a border crossing procedure aimed at helping law-abiding citizens, so that they might spend as little time as possible at the border. If we look at things in this light, each country is obliged to create and manage its own national data base, which should collect, depending on the national law, all the information coming from all domains of activity that might be relevant for the present issue. Unless such a project is in place, no further levels can be build, so that various types of information generated by this lower level could be used for the regional and also international information exchange, beneficial to the security of all the countries in the area.

2001 was an important moment as Romania revisited its outlook on the prerogatives and the modern operation of the two agencies involved in the border inspection. Crucial normative acts were drafted to modernize border inspection as a whole, such acts being applicable to the Moldovan border as well. In 2001, new laws were drafted on Romania's national border and, among other things, a new system was created - the National Information

System on the border flow of persons and goods. The system operates at the level of the whole country and it records, processes and uses information on transborder crime and border crimes, on persons and goods. Obviously, when the system was organized, the basic element was the overall outlook on the concept of Romania's border control and also the specific risk features for each of our neighboring states.

In terms of agencies, we are practically speaking about the National Core (Focal) Point of the Center for Combating Transborder Crime - the SECI Center. The structure of the department is similar to other countries in the area and we are going to give a brief presentation of its role.

The National Core (Focal) Points are agencies of the central authorities and their activity is to systematize useful data and information for an efficient border control; they are also service providers in case of some international assistance requests with a view to combating transborder crime. Professionals think that Romania has the best organized national focal point in South-Eastern Europe, its staff being a team made up of specialists from the Border Police Inspectorate and also from the General Customs Directorate, as well as from other agencies - the General Police Inspectorate, the IT Vital Records Department, etc.

The National Point is in fact an interface between the Romanian agencies which supply important information for border control, which is but another proof of how important it is to foster co-operation not only among agencies directly involved in border inspection but also among other agencies, such as the National Information Institute, the Foreign Intelligence Service, the General Police Inspectorate, the General Prosecutor's Office, the Financial Guard, the Foreign Affairs Ministry. Nevertheless, it is quite true that, for such a project which means building up a unique national data base, including information from various domains, it is necessary to gather together IT specialists and the appropriate software; what is also crucial is the appropriate equipment which could meet the requirements and give a quick answer to all the needs that might appear - and this continues to be a special financial effort for Romania. Therefore, it may be interesting to approach various international donor agencies and pose the question of assistance provided by specialists from

international agencies and institutions, as well as assistance provided when purchasing the equipment, not only for some specific areas, but also for as many border checkpoints as possible to cover all the territory of Romania.

Having mentioned the need to buy the appropriate equipment to build an online data base via which information can be accessed at any time is just a means to discuss the present-day situation that the agencies directly involved in the matter of border control are confronted in Romania and the Republic of Moldova. The insufficient equipment somehow explains the present way in which information and data are organized at the General Border Police Inspectorate and also at the General Customs Directorate, namely by domains which are not sufficiently coordinated and synchronized, which makes it difficult, if not impossible sometimes, to use the stored information very rapidly. At the same time, the scarce funds also explain the drawbacks which appear during the interaction of the state agencies in the Republic of Moldova.<sup>1</sup> The financial problems slow down the implementation of the connection system via the local computer networks, making more difficult to organize meetings and have a quick information exchange. Referring to this topic, the Moldovan participants stressed how critical it is today to have well-equipped customs services. What is generally stressed by that is the need to have the necessary equipment to process specific information (further down in this chapter some technical data are included) and also various checking devices. The Moldovan participants signaled different levels of equipment and recommended that the equipment should be almost the same everywhere, depending on what is available and what is necessary, so as to avoid as much as possible any unmotivated detention.<sup>2</sup>

At present, Romania has an austerity budget, so it is conceivable that various analyses and surveys shall be conducted, depending on the domestic and foreign policy priorities; such surveys might result in granting additional budget allocation as to these agencies or modifying the structure of their budgets. We can only point out how dangerous it is to make plans, to establish policies and general objectives, without really assessing the existing and available logistic and financial support, as no plan can materialize and yield the expected results without such support.



At the same time, the National Focal Point facilitates the communication with the other international agencies involved in preventing and combating crime, such as the Regional Center of the South-East European Initiative for Combating Transborder Crime (the SECI Center). In fact, each member country is represented by a team of 'officers' located at the SECI Center. That is why, the national points, if they exist and are operational, are important information centers and there is permanent communication between these national points and the officer representing each country with the SECI Center. Last but not least, mention should be made of the European initiative to combat crime which, in the future, is meant to harmonize and centralize information, while keeping it available in an operative manner for all agencies in any of the countries which might be interested in it. This is the reason why, at present, the Center is in touch with international agencies, such as Interpol, for information and data referring to the issue of border inspection.

There is no opposition to the idea of sharing information between similar agencies, namely agencies involved in border control matters in order to grant each other mutual support for a more thorough inspection. Nevertheless, the authorities of the two countries recommended that an attentive and complex analysis should be made of the joint control procedure; the analysis should take into account the technical conditions as well as the opportunity and should also meet, as far as Romania is concerned, the standards of the Schengen information system, which Romania is committed to implement. Later on, each country needs its own cost benefit analysis.

The first step is to centralize and systematize information at the national level; it is a critical step and all the strategy to combat and prevent crime in the area depends on its success. The whole system is to be harmonized with the European attempts to create an information system permanently available to all the countries and agencies active in the field of preventing and combating crime and illegal activities involving both persons and goods.

The European Union policy is to eliminate the internal borders and to secure the external ones, so a complex information system was put in place - the Schengen Information System (SIS). The future role of the system is to facilitate data exchange on the persons and

data which transit the member countries. What is to be noticed today is the European countries' concern to make this system more efficient, as long as it already contains information and data from a larger number of states than the initial number for which it was created. The SIS reform is an important issue in Europe and a number of new concepts and formulas (for instance SIS-NET) have already been debated upon as there is a real concern to create a data exchange system which should comply with the national law, but which should also facilitate the co-operation between the Member States and the candidate countries.

Purchasing proper software is also part of the problem. For the custom services, for instance, there is an officially recommended operation system for those countries that do not have a modern statistics system, namely Asycuda. We are aware of the fact that the Moldovan authorities are familiar with this system, but actually each country is free to decide upon using it or not. Using Asycuda might improve the customs statistics currently produced, it could also improve data centralization and the way they are presented as statistical formulas as far as the foreign trade is concerned. The system allows access to information not only to the relevant agency but also to other agencies that have to be involved in securing the borders and which might supply important data and information. Of course, after each country has decided to implement this system and while various technical and logistic steps are taken, one can even think about discussing ways to harmonize its use by both countries involved in securing the borders.

Therefore, both Romania and its neighbors need to invest in logistics and also in training of the staff that will be in charge with centralizing the data referring to the borders.

### **Recommendations**

- Adopting the relevant European experience and adjusting it to the specific local features (*authorities whose jurisdiction is the border*)
- Analyzing the opportunity and the concrete possibilities to implement joint border control in order to use the resources more efficiently and more sparingly (*The General Inspectorate of the Romanian Border Police/the Moldovan Border Troops as well as the Romanian General Customs*)

*Directorate/the Moldovan Customs Service)*

- Systematizing the relevant information in a national data base which could be used for the regional and also international information exchange, to the benefit of the security of all the countries in the region; creating structures that could store and process such information - for instance the Romanian National Focal Point (*the Governments in both countries*)
- Clarifying the actual information exchange modalities, which should take into account both the technical situation and also the opportunity and which should, as far as Romania is concerned, meet the standards of the Schengen Information System; institutionalizing an information exchange system at the border checkpoint, that is a series of permanent, regular meetings to evaluate the problems that have appeared and identify the common priorities (*local authorities whose jurisdiction is the border*)
- Monitoring the results of the investments made for equipment and border staff in Romania and the Republic of Moldova to harmonize and also identify the local needs from a joint perspective (*the managing boards of the agencies with border prerogatives, with the help of the local*

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## Notes

1. Col. Oleg Graur, *Conflict of jurisdiction the major cause of the malfunctions in the management of the border between Romania and the Republic of Moldova*, page1, June 2002

2. Iurie Dadeichin, *The Intercation between the agencies involved the crossborder control along the state border of the Republic of Moldova*, page 3, June 2002

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## **Chapter IV**

### **European dimension of bilateral relations - border control and integration requirements**

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#### **4.1. The visa issue against the background of the free movement of persons**

To create a united Europe means to adopt protection measures against the dangers that affect the economic and social development of the member states. During the accession process, the candidate countries assume various responsibilities and, just like the member states, they must abide by various rules and regulations aimed at providing a safe life environment. So, the EU's common visa requirement is motivated by the demand to create an internal security space in Europe, but the way such visa policy is implemented still varies across EU member states and has generated some negative effects, especially for the non-EU states.

The decision according to which the candidate countries are obliged to adopt the EU's visa *acquis communautaire* the way without any possibility to get derogation was included in the Amsterdam Treaty in 1997. The decision was mainly meant for the East European candidate countries, as this obligation had not previously applied to the other candidates. The treaty has an enclosed protocol which stipulates that the provisions of the Schengen agreement are part of the EU accession requirements and as the issue of the free movement was also a matter of common security concern, the relevant responsibilities have to be assumed by all those who want to be part of the united Europe, the more so as the visa policy goes beyond the scope of the EU member states' national policies.

Consequently, to adopt the standards and the activities necessary to introduce the Schengen visa regime, the candidate countries are faced with a new type of relations with their neighbors, which are candidate countries or countries which are not currently negotiating for EU accession. Thus, when some candidate countries adopted such policies regarding the visa regime, they

generated discomfort in their bilateral relations as they affected family relations, the business environment as well as other social connections, which should become a constant concern both for the national leaders and for the international agencies. Romania will implement such measures, in keeping with the EU requirements that it is committed to comply with, but it also notices the effect they have on the neighbors. The effect on the relations with the Republic of Moldova, in particular, are being constantly analyzed, taking into consideration the common history of the two countries.

Having said that about the obligations and the reasons why they were included in the EU documents, the following have to be discussed about visas as a general issue:

- Standardizing visa fees;
- A wider range of visa types so as to meet the complex needs of the most diverse categories - for instance, double citizenship holders;
- Opening information and visa issuing points in the most adequate formulas and locations.

As expected, these issues were tackled during the Romanian - Moldovan debates on securing the borders. The representatives of the authorities and NGO's in Chisinau stated their understanding as to the measures to secure the borders (including the introduction of the visas), that Romania has to implement as part of the accession to the EU and Euro-Atlantic structures. The Moldovan participants stated that such issues have to be approached as early as possible, that Romania should inform them about its intentions and foreseen measures and that such an attitude would not only facilitate the implementation preparations which the Moldovan authorities also envisage, but it would play a crucial role in establishing an environment based on communication and trust between the two countries. Beyond the message of friendship and privileged relation that Romania addresses to the Republic of Moldova, emphasis was laid on how important it is for Bucharest to communicate the types of measures it envisages so as to secure the border with the Republic of Moldova and also on the expectations that the Moldovan authorities might have in order to reach the relevant European standards and also not to affect that much the relations that have always existed between the Romanians and the

Moldovans, especially those who live in the border counties and who are related.

Before supplying examples to illustrate the way the EU standards are implemented along the Romanian - Moldovan border, we present an overview of the changes produced within the visa issuing procedures among the candidate countries and also of the problems encountered. It would be useful if experts and political leaders from the two countries involved continued the analysis of such problems.

### *Visa fees*

The candidate countries had their own visa policies, so they adopted the recommendations of the Joint European Consulates<sup>1</sup> to various degrees, and their overall aim was to harmonize the national visa issuing procedures with those of the Schengen member states. As part of the process, some countries adopted even the fees, so there were cases when the visa fees were practically larger than the monthly income of the visa applicants. In December 2001 the Council of Ministers issued a decision recommending that visa costs should be harmonized; this does not mean uniformity, it means that one should take into account the administrative costs involved. The reduced costs would reduce the negative impact this measure cannot fail to generate in the candidate countries, the citizens of which live on very low incomes. In order to consolidate their relations with the neighboring countries, some states agreed not to impose visas on their neighbors until the EU accession when it is going to be easy to get a visa.

### *Visa-issuing procedures*

As to the procedures to be followed to get a visa, there are important differences among the EU Member States and the candidate countries, while the latter are trying hard to tone them down until a common standard is reached. At present, the visa-issuing process is rather cumbersome, most criticism being directed against the type of interview used, as sometimes it reaches such extremes that it infringes upon the most private aspects of the applicants' lives. The Member States, wanting to simplify this method within the limits of the necessary security, intend to standardize the interview and to limit it to questions referring to the financial means and the purpose of the trip, and

also suggest that the queues in front of the consulates could be avoided by inviting the applicant to come on an appointed date and hour when the interview is scheduled.

The Romanian-Moldovan working team discussed in details such procedures, and the Chisinau participants launched various proposals to simplify the procedures to get a visa at present but also in the future, at the moment when Romania will introduce the visas. The following is a brief presentation of the discussions and the concrete proposals made in this respect.

The Member States are really preoccupied how to simplify the visa procedures. Relevant analyses stress the fact that, in most cases, visa applicants coming from the non-EU countries are treated with suspicion and reserve. The employees of the Western diplomatic missions should change their attitude as long as they have no solid reason to act this way. For the non-EU countries' citizens, obtaining a EU visa must become more of a right than a privilege, a bonus granted by one country or another. Obviously, if there are indications that the applicant does not intend to do as he/she declares and does not offer solid information to support his/her visa application, the necessary measures must be severely adopted, irrespective of the country of origin of the applicant.

Simplified methods have also been discussed, such as: filing the application form online, as the respective form is reachable also online. A first screening may be done electronically, and the applicant only has to go to the consulate for the subsequent interview, thus reducing the multiple costs for the repeated visits he has to make to the consulates to get or submit various documents. A relevant thorough analysis should take into account the current European practices, while looking into the implementation conditions and the results. For instance, there is an arrangement for Yugoslav citizens, to mention just one example from the neighboring area, who want to travel to Estonia, to file their visa applications with the Estonian Consulate in Budapest (Hungary). The difference between them and the Moldovan citizens who want to travel to Europe (and whose situation shall be presented in detail in a following chapter) is the following: in the Yugoslav case, there is a authorized tourism agency that provides all the necessary services, from filling the

applications to collecting the visas (such formalities may last between 7 to 10 days). So, Yugoslav citizens, unlike the Moldovans, are not obliged to pay for a trip to Budapest where they also have to find accommodation while waiting for an answer.

Another problem is that sometimes the visa application have to be filled in the language of the country issuing the visa, but the ability to communicate in the language of that country cannot be a selection criterion for the applicant. This cannot be done today, even if the forms include other national languages of other Schengen Member States. Speaking about the Romanian - Moldovan situation, a high percentage of the Moldovan citizens speak Romanian.

#### *Adequate visa issuing points*

Member States and also candidate countries share the preoccupation to create visa issuing points which should meet as much as possible the real situation of the applicants. At present solutions such as issuing visas at the border checkpoints are being analyzed, as well as proposals for « Euro-consulates », especially for those citizens who apply for long term Schengen visas. The Euro-consulates are being currently discussed and they are supposed to be operating only in a few years, so the Member States decided to provide additional assistance to the busiest consulates, mainly those in the countries bordering on the external frontiers, that is the consulates of the states neighboring on the candidate countries. If visas are to be issued at the border, the border checkpoints must have the proper equipment so as to have access to a data base and check the applicant's correctness (namely the Schengen Information System - SIS, which is currently undergoing a functional review, as it is thought to meet only partially the needs of all the Member States and also the candidate countries). But such an efficient formula would be beneficial only to those applicants who have previously been accepted as guests in that country following the visa interviews. This method should be analyzed while looking into the possibility to open new border checkpoints, both along the Member States border and also along the borders of the candidate countries, and such a possibility should be a criterion to consider when taking the appropriate decision. For the Moldovan citizens, the idea that visas may be issued by offices located at the border checkpoints is only a subsequent matter, as for them the main concern is to



simplify as much as possible the visa procedures so that they should no longer be in a position to travel abroad to reach the consulate enabled to process their application.

### *Types of visas*

It has become increasingly clear that one single type of visa no longer meets the complex requirements of the applicants. People travel to other countries for a variety of reasons, so the destination countries envisage the idea to diversify the types of visas, especially for citizens living near the border and whose life is connected to family members and also social and economic relations located on the other side of the border. On the other hand, a new type of relation appears between the Schengen Member States and the non-member ones, a relation which cannot ignore a common past and history that they share. A clear illustration of this situation is the case of Romania and the Republic of Moldova - the history of the two countries is very special, as until 1940, the Republic of Moldova was a Romanian territory, then it became a Soviet republic and in 1991 it became independent. Experts in this matter consider that former candidate countries which have already become Member States can go on issuing national visas to their neighbors, making it easier for them to cross the border between the two neighboring countries, only if the holder of such a visa cannot travel further on to Europe. When a country has already become a Member State, the border control should be maintained for a while (such was the case of the German-Polish border or the Hungarian-Austrian one).

Another issue to be discussed was the situation of the Moldovan citizens who hold double citizenship; the issue was raised in relation to Romania's intentions as to the visa policy for the Moldovan citizens the moment Romania becomes a EU member. In case such citizens enjoy the same rights and obligations referring to their movement within the Schengen space as the regular Romanian citizens, it is necessary to clarify what the Romanian policy in this respect is. Now, the status of such citizens is special, as they go back and forth across the Romanian border as they hold a Romanian passport. Now that the Chisinau Constitutional Court has accepted the concept of double citizenship, on condition that bilateral agreements should be signed by the concerned states, both countries will have to

analyze soon the possible implications affecting the procedures that such persons must fulfill when crossing the border to Romania. Romania accepts the concept of double citizenship, and the Romanian authorities grant citizenship to all applicants on condition specific requirements are fulfilled. With respect to the present topic, it is necessary to clarify a few things referring to the conditions limiting the access of such persons to the territory of Romania, especially when, after becoming an EU member, Romania will be obliged to impose a visa requirement for the Moldovan citizens.

Another policy option, in addition to national visas, is to allow citizens living in border areas to have multiple passes, granted by a special permit. It has been a real preoccupation for the Moldovan participants and they asked Bucharest to state its policy and intentions about the various types of visas Romania envisages in the near or more distant future for the Moldovan citizens. Romania intends to adopt much of the relevant European practices which tends to make no differences among various categories of citizens.

The Moldovan participants stated that the fact that it is obligatory to cross the Romanian border only holding a passport has had an impact on the cross-border movement of people living in bordering counties. As compensation, the Romanian Government launched an initiative to allocate about 1 million dollars to cover the costs of printing and distributing passports to the Moldovan citizens, mainly to those with low-income. Nevertheless, all the Moldovan citizens who have family and friends across the border and whose livelihood depends on trading with partners across the border are still very discontent, although Romania has explained that it has to meet this requirement as part of its harmonization with the EU visa acquis.

Such a practice is not specific only to the relations between Romania and the Republic of Moldova. In case a person lives on one side of the border, in the towns near the border and he works on the other side, there is a possibility for him to cross the border based on a special permit. Such a person would hold a border-crossing permit, which states the number of crossings and their purpose. Even if a person is justified to cross the border repeatedly, the border cannot be crossed unless the necessary

approval is obtained. The Schengen Agreement has provisions in this respect and recommends multiple entry visas. The Romanian - Moldovan case would involve such a multiple entry pass (permit).

The relevant Schengen provisions are very clear. A person can cross the border several times if and only if such a person holds a permit (pass) recorded by the authorities of the two countries and the holder may be included in one of the categories defined by the Schengen Agreement. The holder must assume all the responsibilities deriving from this type of permit which is granted for short stays or multiple entries. The holder is granted such a visa for no more than six months a year, and he may apply for it as a fixed period at one time, or as two separate three-month periods. The multiple entry visas can be extended only in exceptional situations and for special categories of persons. Generally speaking, the categories of persons fitting this description are:

- Businessmen
- Intellectuals; persons active in science and research
- Scholarship holders
- Students
- Athletes
- Persons visiting with their families
- Citizens domiciled in town near the border
- Representatives of the local public administration from the town near the border on both sides
- Activists from various NGO's.

#### *Visas and inspection documents in the Romanian - Moldovan relation*

Out of the above mentioned problems, some have been highlighted by the Moldovan participants, namely the procedures to be fulfilled by the Moldovan citizens to get a visa to travel to the West-European countries and the need to diversify the types of visas, including the multiple entry permit (along the border to Romania) for the citizens living in the area or for those who do business there. This has become a topical issue for the Moldovan citizens, especially after 1998, when a number of countries which did not previously require a visa for the Moldovan citizens, started requiring it. Bulgaria was the first country to require visas for the Moldovan citizens, then the Czech Republic, Poland in 2002 and Hungary in 2001.

### *Free movement to the EU - a problem of the Moldovan citizens*

The Moldovan participants told their Romanian colleagues which is the normal route they have to follow to be able to file the documents and the application needed to get a travel visa or a business visa to a Western country, when in Chisinau only the German Embassy issues valid Schengen visas for trips to Germany and France and only 11 embassies (out of a total of 76 accredited countries) have service-providing offices for the Moldovan citizens.

Practically speaking, Moldovan citizens have to travel to Moscow or Budapest to submit their visa application in person. So, there are major financial implications and also situations which somehow violate the international legal rules. When an applicant goes to submit his passport at a consulate, he is in a position to travel through a foreign country without an internationally acknowledged legal document which could state his identity.

Recently, things have turned even worse for the Moldovan citizens who want to travel to the West. Since July 29, 2002 Moldovan citizens applying for a tourist visa, a business one or a visa based on an invitation for the Czech Republic must make a \$ 400 deposit at the Czech Embassy in Bucharest when they are granted the visa. They also have to submit the return travel ticket or the green card of the car. The guarantee is returned to the holder in person, when he comes back from his trip, which doubles the real costs for such a trip to the West for a Moldovan citizen. So far, only the Czech Republic has modified its traveling requirements for the Moldovan citizens.

If Moldovan citizens want to obtain a visa for Canada, they have to come to the nearest diplomatic office of this country, the one in Bucharest. Independent experts who participated in the debates think that the Romanian Foreign Ministry should make a diplomatic attempt to persuade the Western embassies to simplify the visa procedures for the Moldovan citizens. The US Embassy in Chisinau and the United Kingdom Embassy in Bucharest would be positive examples in this respect.

As long as such issues are not regulated in a transparent manner, various front tourism agencies are still operational in the Republic of Moldova as brokers for rapidly acquired visas. Since 1993

Moldovan citizens have benefited from the services of such agencies specialized in getting visas. Initially, when Moldovan citizens applied mainly for tourist visas, as the Republic of Moldova had not signed labor agreements with the Western countries, the price varied between 150 and 500 US dollars, later on between 650-700 US dollars and the agencies did all the paperwork. Even if such companies are more strictly controlled, they have not disappeared; on the contrary, new, front ones (nor registered with the Registrar of Companies) have appeared and the price for a visa obtained via this method goes as high as 1,500 or even 1,900 US dollars.

Another specific service provided by these agencies is traveling to Israel, as most applicants want to go to this country to find a job. This is an area where the Moldovan agencies compete with the Romanian ones, which have a pre-established tariff (about 4000 US dollars) for which they promise to get the visa and find a job in Israel. The present survey does not aim to study such companies, but it draws attention to the practices which fall under the jurisdiction of both the Moldovan and the Romanian authorities.

The average monthly salary in the Republic of Moldova is approximately 45 US dollars. If we calculate the costs incurred by a trip to Hungary, for instance, to get a visa for another country, obtaining a visa for entry into the Eu territorz is prohibitively expensive for the average Moldovan citizen. The Moldovan group of experts attending the debates suggested that Romania and the Republic of Moldova should put up joint forces and persuade the Western countries to accredit their consular services located in Romania for the Moldovan citizens as well so that they could apply for a visa closer to their home, and reduce the costs and the period of time necessary to get a visa. The proposal takes into account the fact that in the near future the consulates of the European embassies in Bucharest will no longer have to provide visa services to the Romanians. Of course, such an initiative would oblige Romania to assume a wide diplomatic mission on behalf and with the consent of its Eastern neighbor, but such appeals should be analyzed as priorities both by Romania and the Western countries. All the prior discussions with the representatives of the Romanian institutions stress the fact that only the Republic of Moldova can have such an initiative.

### *Visa for visa*

The above-mentioned procedure obliges Moldovan citizens to travel to a country that asks for an entry visa in order to apply for another entry visa for the final destination country. For instance, to go to Macedonia, a Moldovan applicant must first apply for a Bulgarian visa, because only in Bulgaria can he apply for a Macedonian one. The more distant the final destination is, the complicated and costly is the procedure. To go to Mexico, a Moldovan must go to the Greek Consulate in Odessa (Ukraine) to get a visa for Greece. Then, he has to go to Athens where he will apply for a Mexican visa.

### *Documents to be submitted at the border inspection checkpoint*

Another issue related to the above-mentioned topics, is the idea to go back to the old border crossing system to Romania, using only the ID card, which has been recently improved and which includes security elements complying with the European standards. As the Moldovan respondents interviewed for this survey put it, the problem is even more critical for the inhabitants of the border counties, who are persons who do not generally have a large income and who are involved in some kind of free trade for this very reason, so they take frequent trips across the border. As such trips are very frequent, such citizens will have to get a new passport much sooner. Initially, the Romanian Government provided financial assistance for the passports issued to the Moldovan citizens, but once the passports are out of use for lack of available pages, the costs to replace the passport will fall entirely with the holder. Therefore, the Moldovan authorities consider that such technical and financial obstacles will have an impact on the border traffic. This situation will not affect only the traders but also the citizens having family and friends across the border. And there is something else that needs to be clarified, namely the procedures to be fulfilled by Moldovan high school pupils and students coming to Romania to study.

The Moldovan participants placed a lot of weight on this proposal. The representatives of the Foreign Ministry who attended the conference organized by the Institute for Public Policy stated that the Chisinau authorities consider that the current ID's meet all the security requirements needed in order to cross the border. These are the new ID's introduced in 1997 by the Chisinau authorities, which are the product of high technology. They carry a lot of

information on the holder, information that can be read using the appropriate equipment, so they are machine-readable. So, to common objective of the governments of both countries should be to find financial resources to purchase the necessary machines which could check how valid the ID's of the Moldovan citizens are, even on the premises of the border checkpoint, maybe on one side of the border only, and not to provide additional resources so that each Moldovan citizen could have a new passport. This is just another way to highlight the common objectives that the political leaders of the two countries must reach. Practically speaking, it is necessary for both countries to establish their short term and long term priorities, namely either to conduct a very thorough inspection in compliance with the European standards and the practices institutionalized by the Western democracies, or to co-operate in order to have a smooth flow of traffic across the Romanian - Moldovan border, while obviously observing the relevant European principles. In this respect, Romania stresses the idea that the passport is still the official document to cross the border and that it is committed to abiding by the relevant European procedures and practices.

The Moldovan authorities favor an easy movement of Moldovan citizens across the Romanian border, while Romania favors a strict compliance with the European standards and practices which stress an exact and safe inspection, implemented in a unified manner for all citizens. The representatives of the Moldovan authorities who were involved in drafting the conclusions of the Institute for Public Policy project pleaded for a return to the old ID-based border crossing system, aware that this does not allow them to cross Romania's Western border to reach the Western space. At the same time, the Moldovan authorities believe that this system is compatible with the Council of Europe Regulation no 2317/95 and would match the spirit of liberalization of trade among the Baltic states, in the context of European integration.

### *Conclusions.*

The reason why we have gone to such lengths over the matter of crossing the border under a special regime at present and especially the moment when Romania will require visas from the Moldovan citizens (once it becomes a EU member) is that the issue reaches a point where the two countries' approaches differ

widely. The present survey tackled this topic as it is a crucial issue for the future relations between the two countries.

Therefore, we can state that the Republic of Moldova, based on the special and privileged relations with Romania (as they are officially stipulated by the Romanian laws) is expecting a set of measures to have an easy flow of traffic across the border (namely the border trade), the more so when Romania will introduce the visas. There are also a lot of questions referring to the documents and procedures stipulated for high school pupils and students, as it is a known fact that a large number of young Moldovans study in Romania.

On the other hand, the Romanian authorities have precise arguments and stress both the current relevant practices and the European trends which attempt to standardize the border crossing procedures and not to have different rules for different categories. Romania has decided not to impose visas on the Moldovan citizens until its EU accession and it has also allocated 1 million dollars to print and distribute passports to the Moldovans, mainly to those who could hardly afford it. At present, the Moldovan citizens cross the Romanian border using their national passports.

At the same time, Chisinau still has questions referring to Romania's position in the matter of visas for the Moldovan citizens. Does Romania intend, once it has become a EU member, to require national visas from the Moldovan citizens or does it intend to switch from the current status (no visas) directly to Schengen visas? Moreover, as the Constitutional Court in Chisinau has recently accepted the concept of double citizenship in the Republic of Moldova, on condition that the involved countries should sign bilateral agreements, which shall be the policy of the Romanian authorities about the holders of double citizenship?

Aware of the implications such events will have both on the free movement of persons and the free movement of goods, the representatives of the public administration and also of the civil society feel the need to conduct an analysis of the consequences and of the steps that have to be taken in due time. Any early analysis of the various factors that have an impact on the visa



issue may help one take such decisions that best meet the local requirements and also the relevant European standards. More than once during the conference did the speakers stress the requirements that Romania has to fulfill both at present and the moment it becomes a EU member and which will generate concrete changes of the border crossing procedure. If such issues are highlighted at an earlier stage, if expert debates are fostered in the countries involved or if more general ones are organized so as to involve various segments of the civil society, there will be better knowledge of the new situation and a more efficient inspection.

In the future, such discussions should also consider the Moldovan visa policy referring to another country's citizens (mainly Western ones), so as to stimulate those countries to support the idea of an easy movement of the persons coming from the Republic of Moldova and going West. Speaking about their own visa policy, the Moldovan representatives considered it would be beneficial for them to eliminate, in the near future, the visas for the citizens of the Schengen countries, as a counterbalancing measure aimed at encouraging the countries which intend to support the cause of the Moldovan citizens' visas. There is another specific discussion on the Romanian - Moldovan relations, and the Moldovan representatives consider that, in the long run, the Republic of Moldova should promote a visa policy as beneficial as possible to Romanians.

In the long run, there is a solution that might be beneficial to the Republic of Moldova, namely that this country refrain from introducing visas for Romanians as a countermeasure to the measure Romania would have to adopt once it becomes a EU member. In fact, the Republic of Moldova did not do it this way when it came to the Baltic countries either (for which it is very difficult for a Moldovan to get a visa), the citizens of which can easily get a visa at the Moldovan border.

Generally speaking, the visa issue, and its implications for the special relation with Romania, as it was stressed by the representatives of the Romanian agencies, involves a set of international activities, related to the EU Member states, which, as one can see, are worried about the danger of uncontrolled migration coming from this part of Europe. As far as the Republic of Moldova is concerned, Romania was asked to undertake

certain international activities following which the EU policy towards the Republic of Moldova should undoubtedly be categorical and exacting, but as close as possible to the needs and possibilities of the Republic of Moldova. Such an initiative that Romania might undertake on behalf of the Republic of Moldova would be even more important now that EU has announced its intention to grant the Republic of Moldova (together with Ukraine and Belarus) a special status as a EU neighbor. In turn, Romania suggests that Moldova should be the first to take the initiative in this respect, as it is mainly an activity that could solve an internal matter of the Moldovan state.

#### 4.2. Inspection of goods and their free movement

To adopt the Schengen Agreement obviously brings about more obligations along the external borders of the Union, both the existing ones and the future ones, after the enlargement. Securing the borders involves not only obligations for the Border Police as far as the inspection of individuals is concerned, but also for the Customs Department as far as the goods' inspection is concerned. Lately the role of Customs has changed dramatically as a result of the newly developed inspection procedures in use throughout Europe as a result of the threats already observed in this area. But it is wrong to assume that only these agencies are responsible for securing the borders, as other agencies as well have direct and complementary prerogatives, and the first two agencies should co-operate with them on a regular basis. Even if inspection of goods and customs fraud prevention is an explicit prerogative of the relevant agency, providing secure borders is not a matter of mere sectoral policies, as it involves co-operation among many more government agencies.

Inspection of goods is an essential activity against a wider criminal background and against trafficking in illegal substances. Yet, not only the checking procedures but also the transport selection criteria have changed in Europe, giving more weight to the institutional co-operation between the similar agencies existing in two countries. Today, the aim is not to burden the checkpoints with the need to conduct detailed inspections but to implement a selective inspection system depending on several risk parameters, both the international ones and those which are a direct response to the specific problems of the countries involved.

To make it easier for haulers to clear customs, the European Union has been investing exclusively in the creation of single offices where all customs duties should be paid, right at the border checkpoint, thus avoiding useless trips. Of course, such streamlining procedures depend of the equipment the border checkpoints have, and also on how harmonized the legislation (including the commercial one) is, these being requirements that Romania and the Republic of Moldova are intensely working on.

On the other hand, the current preoccupations in Europe include the need to reduce corruption or a tendency to corruption within such agencies as Customs, which are quite vulnerable to this scourge. The relevant reports indicate a worrying degree of corruption among customs employees, and to prevent it information and training programs are organized so as to impress a specific concept upon these employees about their position and the way they should exercise their duties. Still, one cannot ignore the real cause that generates corruption in the developing countries among the employees of the Customs Department, namely the poor economic level which is felt in the very low salaries these people have. This is the reason why countries which are currently experimenting modern inspection methods are still hesitant about replacing the old practice of the "routine inspection" by the method of the selective inspection, based on risk indicators. At present, the senior officials of the Romanian agency are trying to train the personnel and also to prepare a code of ethics specific to this domain.

The agency is currently learning a number of performance parameters complying with the reality and the local needs and it is also acquiring European practices and requirements, while Europe is adopting measures meant to harmonize the inspection procedures and institutionalize unified customs tariffs. The authors of this survey have been discussing both with the Romanian and Moldovan representatives of this agency and they have noticed the special care Romania devotes to complying with its current obligations, and also for the early training of all customs employees to abide by the relevant European standards. Inspired by the relevant European practice, Romania has prepared its laws on customs operations and the customs inspection. On the other hand, Romania has been trying hard to align with the customs tariffs system (which is now unified for the Member States), aware

that such measures will somewhat modify the structure of the micro and the macro economic relations. At the same time, Romania has already implemented measures to do business only with commercial entities registered with the Official Journal of the European Commission, and that gives rise to negative consequences for the commercial activities undertaken so far, as reality has already proved it.

One should also notice that the customs authority has a different role today. What is being discussed more and more is its mission to prevent illegal trafficking, which implies some specific training and a number of additional requirements placed on the customs employees, while at the same time the relation among the relevant decision-making factors is being reshaped, both horizontally (within the same country) and vertically so as to find solutions to decentralize the decision-making process and also to harmonize the national legislation with the European standards.

*Customs inspection on the Romanian - Moldovan border. General remarks*

A key institution in matters of securing borders, the Customs Administration in both countries included in the survey carry out their activity by implementing the regulations included in their operation rules and abiding by the codes of ethics adopted by the boards of both agencies. The activity of these agencies, like the activity of their border police colleagues is also supported by bilateral agreements, more specifically the agreements between Romania and the Republic of Moldova. Lately, the efficiency and the good activity of the border checkpoints (the Romanian - Moldovan ones included) depend on the harmonization of the national regulations, and also on the harmonization between the bilateral agreements and the regional regulations, which involve other countries as well in such securing activities, to the extent they are affected by that border activity. In other words, even if securing the borders affects primarily the two countries that have a common border, such an activity also involves common efforts made by Romania, the Republic of Moldova and Ukraine. Each country is responsible for its own problems, and it goes about securing its own borders; in this concrete example, if border control matters are not solved along the Western border of the Republic of Moldova there will be serious repercussions on the activity along the Romanian border.

As a general rule, along Romania's state borders in general, and along the border with the Republic of Moldova, there are some expectations related to the border inspection activity of the customs officer. Here they are:

- border investigations, an activity which has shown some malfunctions which shall be detailed later on, when discussing the harmonization of the border inspection procedures on both sides of the border;
- activities which run simultaneously in order to prevent crime, to detect any possible risks and dangers, which has also allowed us to tackle issues related to the lack of a proper framework for the information exchange between the Romanian and the Moldovan parties.

Undoubtedly, the position of the customs representative at the checkpoint is crucial both for streamlined checking procedures and merchandise circulation and, in general, for an observance of proper standards. Just like in the case of the representatives of the second crucial agency there, the border police, the quality of current activities derives from the training of the official, from his intransigence (as he is constantly under pressure from corruption temptation due to the pay he receives and which is situated below the national average in Romania), but also from the equipment available at the checkpoint. Of course, the two agencies cooperate on multiple levels, and Customs can initiate the thorough inspection of a transport both *ex officio*, and based on a referral from the border police, based on probable cause.

On the border between Romania and the Republic of Moldova, there is an ongoing activity of equipping the checkpoints according to modern standards. The best-equipped checkpoints - based primarily on European funding - are those at Ungheni, Leuseni, Sculeni and Giurgiulesti; Romanian customs also has investment programs for the development of infrastructure at the latter two, out of its own budget. In that context, we should mention that those checkpoints are situated on land and, consequently, their procedures are those specific to land checkpoints. On reading the Implementation Regulations of the Romanian Customs Code, one notes that the first inspection procedure in the case of merchandise refers to the documentation and then the procedure is: inspection of the outside of the vehicle, inspection of the driver's compartments and, as the case may be, the

refrigeration system. In the case of vehicles that circulate empty, the inside of the cargo space will also be inspected (art. 23, par. 1). If the inspection of the vehicles outside reveals missing or deteriorated seals (...), the inspection will move inside the cargo space and will include the merchandise. The customs authority will take down the inspection results in a report that will be signed both by the customs inspector and by the carrier (art. 23, par. 2).

In the spirit of cooperation between the employees of the General Customs Department, in situations when, for tactical reasons, an appropriate customs inspection cannot be performed on a vehicle's entry into the country, such vehicles are taken - under the escort of the checkpoint's customs inspector - to the nearest customs office inside the country, on the route to the vehicle's destination, where the necessary conditions for an appropriate inspection are in place (art. 23, par. 3).

Just like in the case of debates on the activity of the border police, the customs inspectors have been found to suffer from an absence of communication and information exchange between counterparts. A common database, organized per domains that answer the requirements of both parties and that can be systematically accessed by both Romanian and Moldovan representatives would be a substantial contribution to streamlined activities; such a database would, of course, be the result of an analysis based on timeliness and cost and that would establish a system to satisfy both Romania and the Republic of Moldova. In fact, in a previous chapter, we have already approached the issue of organizing information at the national level first (see the chapter on the National Information System and the National Focus Center) and then at a bilateral or multilateral level, per domains and agencies. We must emphasize again, however, the role of such a joint information system, which would visibly streamline the circulation of cargo over the border between Romania and the Republic of Moldova. But beyond the obvious practical advantages, the system would also contribute to strengthening mutual confidence between partners on both sides of the border; such an effect has, in fact, been intensely discussed by the two sides.

During research for the present material and discussions with representatives of border agencies in Romania and the Republic

of Moldova, we noted the desire to have a joint inspection system implemented. Such a system is regarded as particularly useful for cargo trucks. Following discussions between experts, the conclusion shared by both Romania and the Republic of Moldova was that it was necessary to have a thorough, complex study first, which would yield the best formula, the consequences as well as the costs for each of the two countries, and then adopt the decision. Mention must be made that, as of 2001, Romanian law stipulates the possibility of a detailed inspection only for certain situations and primarily of the transport documentation and customs statement.

The system involves the setting up of joint teams (made up of agency representatives from both countries) that would inspect the transport, "on entry", and checkpoints will exist alternatively on both Romanian and Moldovan territory, according to a schedule agreed upon by both countries. The legal framework for peer cooperation between representatives of the key agencies in both countries is already in place, after Romania and the Republic of Moldova signed an agreement in 2000, which stipulates, under Art. 15, the possibility to have customs cooperation and mutual administrative assistance for the prevention, investigation and combating of customs violations.

By decreasing the number of inspections down to a certain threshold, the intention is to put in place a selective system, based on priorities and risk analysis, so that the only targeted vehicles would be those that would match certain risk indicators and parameters the two countries have agreed upon. It is not by accident that the need to have a study in this domain was deemed necessary, because the new system would increase the risk of a customs inspector to miss an illegal transport and let it through, relying on his own indicators. There is also a European trend now to increase the level of responsibility of border checkpoint officials, but to also place more faith in the official's judgment and ability to use his equipment. And this also accounts for the reluctance some checkpoint officials have shown in implementing new inspection methods, since they are obviously afraid of incompetence allegations and, maybe, other unpleasant consequences.

The biggest problem for customs inspection activities on the border between Romania and the Republic of Moldova (which is

not, however, a characteristic of this border) arises from the lack of trust between counterparts of the two sides' checkpoints. At present, a person traveling over that border, with or without a cargo, will be inspected by both the Romanian and the Moldovan side, without them communicating and exchanging information that could shorten the time spent by that person on the border. In the absence of inspection criteria that would be known, agreed upon and implemented on both sides of the border, the procedures are cumbersome and sometimes superficial; the first victim is the citizen, who wishes to cross the border lawfully, for personal or business purposes. A joint inspection, a practice that can only operate based on mutual trust, would greatly streamline the current practice and each of the two sides would automatically benefit from the activities of the other.

There continue to exist notable differences between the equipment used by both sides. The Romanian team, present at the expert debate organized by the coordinators of the present report, stated its readiness to share its own equipment and distribute it in a more organized and efficient manner among all checkpoints, based on their current situation and also on their geographical and economic context. It is useful to repeat here that it is of paramount importance for both sides to benefit from the results of equipment based inspection, irrespective of the physical location of the equipment.

Not lastly, it is important to note that differences have been reported between the decision-making (political) and the executive levels (management of agencies in charge of implementing political decisions and, further on their representatives at the border checkpoints). Of course, insufficient communication exists all the time, and also in situations different from those involving agencies with jurisdiction on the border; better communication is a desire of all agencies that have representatives in the territory. However, because of the persistence of discussions over this issue, we wish to emphasize that the very representatives of agencies with jurisdiction on the border will admit that political decisions take very little account of realities on the border and, conversely, issues that arise out of practice on the border - and which could contribute to improved border procedures between Romania and the Republic of Moldova - have great difficulty finding their way into political



decisions.

Based on a permanent exchange of information that should exist at the level of counterparts in Romania and Moldova, the drive should be towards the widest possible decentralization of decision-making, without, however, ignoring the role - especially at the level of global policies, of national regulations - that goes to national agencies. In the multitude of problems that arise at border checkpoints there is a need to have more freedom of decision for the people who are in charge at that checkpoint, so that unexpected criminal developments can be handled efficiently. For that reason, communication between Romanian and Moldovan counterparts cannot be an occasional occurrence, but a system of permanent consultations, aiming to assess the existing problems and identify both separate and common priorities that would counteract criminal trends. Given the extent of the criminal phenomenon and the unfortunate improvement of criminal methods both in the domain of circulation of individuals and in the domain of cargo movement, a systematic exchange of information and consultation between officials but also between inspection officers in their respective domains would be particularly beneficial in achieving border control. The exchange of information must start from the basics, from knowing the responsibilities and decision discretion of checkpoint officials and go upwards towards the vision each team has on making their checkpoint secure, a vision that can contribute to a common strategy.

Over the past few years, the European community (and primarily Germany) has been paying special attention to inspection procedures on the border between Romania and the Republic of Moldova, but also on their border with Ukraine. Considerable amounts went into training inspection officers, improving the communication between headquarters and checkpoints and into buying equipment. The European assistance process is ongoing. There is a danger, however, that the concentration (i.e. investment) exclusively on the border between Romania and the Republic of Moldova/Romania and Ukraine will lead to losing sight of the fact that Romania's other borders have not yet reached the required European security standards. In fact, the Romanian media has covered a number of violations on the border between Romania and Bulgaria, which occurred - in part - because of very

poor technical equipment.<sup>2</sup> Of course, the causes are quite numerous here, but we wanted to emphasize the importance of an integrated approach at a national level to Western assistance for Romanian border control, especially in the context of regional illegal trafficking activities which are getting worse and are becoming a threat to Romania and other countries in the region, and whose origin is not exclusively in the Republic of Moldova. The international community has already shown readiness to invest in assistance for this domain. Programs are underway, with substantial European financing, especially for border control between Romania and the Republic of Moldova, but not only. One other example would be the World Bank, which has financed the Republic of Moldova for the program "Streamlining trade and transportation in South East Europe", aimed at improving management on the Moldovan border, at improving inspection efficiency, but also at providing modern equipment for customs inspection and for communication between checkpoints. In fact, the most visible effect of poor border control occurs at the level of commercial exchanges, and that is why we will tackle this aspect separately, below.

#### *Customs and impact on commercial relations between the two countries*

The problem of merchandise entering Romanian territory (in transit or as a final destination) cannot be reduced to analyzing situations that are the exclusive result of customs regulations in the two countries. In fact, we can take an example we are all familiar with by now, namely that in Romania, the role of the General Customs Department - as regards boosting trade and putting in place a favorable climate for such activities - is to provide reports, data and surveys. On that basis, the agencies whose task is to establish complex strategies engage in technical, operational and diplomatic endeavors. In Romania, the Customs information is the basis for measures generated by a Department of the government whose task is to work out plans for its domain. That is why we feel we should again emphasize the importance of interagency cooperation, primarily at the national level, as the border control issue carries effects of the most complex order at the social and economic levels.

National interests to encourage trade, and good intentions for mutual support are now combined with (or conditioned by)

observance of international obligations. Our reference here is primarily to the obligations Romania undertook in the context of preparations for accession to European Union membership, but also on the long term, once it becomes a member of the Union.

European import/export requirements now have effects even in the trade between Romania and the Republic of Moldova. A recent example covered by the Romanian media is the Romanian government's decision, as of May this year, to allow imports of animal products from non-EU countries only from entities that have EU's approval.<sup>3</sup> This situation has a special significance especially as the main products imported by Romania from the Republic of Moldova are: plant products - 20% and live animals and animal products - 14.9%. This is a statistics from the year 2000 and only serves as an example. The eastwards enlargement of the Schengen border entails increasingly complex consequences at the level of commercial relations with countries that are still outside Schengen. It is, therefore, to be assumed that the new context arising from Romania's integration into the Schengen space (and the system of responsibilities deriving therefrom) and, further, from Romania's future integration into the European Union will bring about important changes in the import/export relations with the Republic of Moldova. The fact that some of the Republic of Moldova's products are now accepted only selectively on the Romanian market, based on transparent criteria that have been made public, means the Republic of Moldova will have to revise its foreign trade strategy. To the same extent, Romania's being a part of the European market will redirect its export strategy (as more exports will now be directed towards the CIS countries) and that will have a considerable significance for the imports of the Republic of Moldova in general, and imports from Romania in particular. We should not forget that, currently, the Republic of Moldova is one of the importing countries in the region. the Republic of Moldova will have to export primarily eastwards, in countries where the purchasing power is different from that of Western Europe, and import from the West; that means the Republic of Moldova will have to invest significantly in order to balance the two directions. At present, the Republic of Moldova's exports are facilitated, among other things, by the free circulation of merchandise/individuals towards Romania and other countries in Central and Eastern Europe.<sup>4</sup>

As a consequence, the Customs representatives in the territory will now have additional obligations regarding accepted categories of goods, besides those which are banned to begin with, since their quality endangers the health and life of consumers.

Moreover, European procedures in the domain recommend exigency in analyzing not just the state of the products, but also their country of origin, an aspect which is difficult to establish, especially for goods whose documents are not entirely legal.

Discussions have also approached the differences of customs duties between the two countries, an aspect which requires a detailed analysis, in keeping with the European requirements Romanian has pledged to observe and that we mentioned earlier.

Eventually, the European standards and the efforts of the international community cannot replace a country's dedication and determination. Effective border control depends to a large extent on budget appropriations for activities and agencies with jurisdiction in the domain. Nowadays the border is no longer an obstacle for the movement of individuals and goods, but it is still necessary to adopt measures to reduce and control criminal phenomena that can even pose a threat to regional stability. Reports indicate that besides individual interests (in the sense of border officers adding to their income from looking the other way, in Romania and the Republic of Moldova, but also in many other countries in the region) there are organized networks, with insider contacts that import significant quantities of goods and derive substantial profits out of such activities. Such profits do not appear on a country's official records, but do affect the legal domestic trade. Customs statistics between 1996 and 2000 in the Republic of Moldova showed a considerable difference between legally imported goods and merchandise that was sold illegally on the consumer market. The most alarming figures referred to oil imports.

On the other hand, customs duties do represent a crucial contribution to a country's budget. This is an additional reason for which investment in this domain should constitute a political priority. The situation of undeclared oil imports (which were allowed into the Republic of Moldova by customs inspectors)

improved somewhat, when a the Republic of Moldova government decision came in force in 2001, that banned imports of gasoline and Diesel oil, but also increased the quantity allowed at each transport. The measure primarily affected small traders, who were also under significant suspicion of fraud.

On this point, we need to emphasize that nonexistent or superficial inspection on the border between the Republic of Moldova and Ukraine, on the one hand, combined with relatively easy illegal circulation from Transdnistria on the other hand, are the conditions that lead to illegal transports into Romania. This situation covers more than just fuel. There are other categories of goods that go uninspected as early as their entry into the Republic of Moldova, such as dairy products, cigarettes, vegetables, oil and alcohol. The transport documents do not always reflect the reality, and misrepresent either the amount or the category of goods etc.

It is precisely because this is such a complex phenomenon that attacking such practices - worrisome not only for Romania and the Republic of Moldova, but for the whole European community - requires cooperation between a wide spectrum of agencies, from intelligence services to ministries of education, health etc., where a constant exchange of information must take place. It is also true that border inspection cannot be achieved through a total separation of officers on the two sides of the border. It is crucial for the counterparts on both sides to have constant communication and exchanges, to jointly use equipment that is evenly distributed throughout the length of the border. Maybe a joint inspection is not necessarily a good idea for the border between Romania and the Republic of Moldova, but a minimum of dialogue is, especially as regards merchandise (where most time and resources have to be expended). Such dialogue is an advantage for both the customs inspectors of the two countries and, more importantly, the honest traveler.

It is ultimately necessary for a desire to exist among the representatives of the authorities in both Romania and the Republic of Moldova to put in place a compatible system that will ensure the elements of customs activities oriented not only towards the requirements of the international trade environment, but also towards developing and streamlining bilateral relations in the economic and other domains, especially in the light of the

special and privileged relations between the two countries.

### Recommendations

- To take steps towards authorizing the embassies of the countries around the Republic of Moldova that do not have consular services in the Republic of Moldova, to issue visas to Moldovan citizens, so as to cut costs and time through the “visa for visa” procedure (*Government of Republic of Moldova*)
- To consider the introduction of new personal documents that would meet the needs of citizens who travel frequently across that border, for purposes of small trade, studies, family relations, and for citizens who reside in border counties (*Foreign ministries, with help from all involved authorities and in agreement with the EU requirements*)
- To analyze the implications of Romania's eventual EU integration on the transborder relationship between Romania and the Republic of Moldova, from the point of view of the movement of individuals and goods, with a view to mitigating negative effects (*Governments of both countries at all tiers*)
- To examine the timeliness and technical possibilities to set up joint teams at the border checkpoints (made up of border representatives from both countries) that would inspect transports only once, at alternative customs checkpoints on either Romanian or Moldovan territory, based on a schedule established by both countries.
- To have systematic consultations and exchanges on information between Romanian and Moldovan counterparts, based on entry/exit records, in order to detect criminal violations and establish a joint inspection strategy (*Customs authorities on border checkpoints*).

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### Notes

1. The Joint European Consulates are departments of the diplomatic missions whose duty is to implement the decisions referring to the way the Schengen visas are issued.
2. Adevarul, *Bulgaria dumps emigrants in waves over the Danube*, July 25, 2002, page 3

3. Adevarul *Moldova might ban imports of animal products*, July 25, 2002, page 7
4. Valeriu Gheorghiu, *The New Schengen Borders and their Implications on Relations between Romania and the Republic of Moldova*, 2002, page 5

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## Chapter V

### Border control and illegal migration

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One of the direct consequences of insufficient border control is the current dimension of illegal trafficking in human beings and goods. International reports draw attention to the fact that this phenomenon has reached unprecedented levels in the region where both Romania and the Republic of Moldova are situated, and that these two countries are both a source and a target for illegal migration. The phenomenon gathered momentum in the context of political changes that occurred in the region in the 90s, of the change of regime in both countries, of the degrading living standards for most of the population (including customs inspectors and border police, who became increasingly vulnerable to corruption), and of the still insufficient equipment available for border checkpoints. Thus, the Romanian-Moldovan border became increasingly permeable, while training for the detection of violations remained unsatisfactory. However, these are only a few of the causes. Other causes had to do with improved criminal methods employed by traffickers, with increased funds they invested in such activities - especially as they are financed by international illegal trafficking networks - and the list could continue, especially if we consider the inspection conditions on the other borders of the countries under discussion.

#### *Trafficking in human beings*

A phenomenon of great concern on the Romanian-Moldovan border is the illegal immigration of citizens coming from Asia in general, as well as from the Republic of Moldova, but also of illegal transports of goods and drugs. Also, there are still groups of persons being taken illegally across the border by illegal guides primarily towards Western European countries, where those migrants intend to engage in prostitution or criminal activities.

The problem has worsened after the disintegration of the USSR, as the Republic of Moldova was one of the top countries in the region in international statistics of migration, illegal border crossing by individuals or goods. It is noteworthy that such information demonstrates the perpetrators of such violations are



not necessarily citizens of the Republic of Moldova; a significant number of migrants, caught on the border with Romania, came from countries in Asia and were headed towards Western Europe. Most of them came from Pakistan, Afghanistan, Iran and other countries in South and South East Asia and usually used counterfeit identification documents. Most often they had no intention of stopping either in the Republic of Moldova, or in Romania.

The statistics of the Romanian Border Police General Inspectorate show that, in 2001, most migrants crossing the border illegally concealed in vehicles and using counterfeit documents were Moldovan citizens - 45.7%; far behind them ranked Ukrainians - 9.8%, Bulgarians - 4 % and Turks - 2.9%. The figures become alarming in the first quarter of this year, when the citizens from the Republic of the Republic of Moldova already accounted for 55.2% of the total attempts to cross the border with illegal documents or in illegal conditions.

Undoubtedly, the absence of security measures on the Western border of the Republic of Moldova is most visible in Romania, because, if this were not so, tough procedures on the border with Ukraine or with Transdnistria would cut down on the number of people trying to cross the border between the Republic of Moldova and Romania illegally.

A characteristic of trafficking in human beings in this region - and the Republic of Moldova and Romania are, unfortunately, no exceptions - is the trafficking in women for purposes of prostitution. The organizers of such activities take women into Yugoslavia, Cyprus, Turkey or Western Europe. The phenomenon needs to be correlated to the precarious living means of the women who allow themselves to be trafficked. There are cases where these women are fully aware of what is going on and join the traffickers willingly, but there are many other cases where such women are simply victims (they are either taken away by force, or they are promised jobs like baby-sitter, companion for old persons, waitressing etc., in Western European countries). Over the past few years the phenomenon has worsened and even border police officers have become involved, from both countries. Both the Republic of Moldova and Ukraine, but also Romania are countries of origin and transit for groups of women trafficked for sexual exploitation.

In solving the problem, the Moldovan authorities adopted in 2001 a package of laws that included amendments to the Criminal Code and drastic punishments for organizers of such activities. Readmission agreements have been signed with countries in the region, like Poland, Hungary, Ukraine and the Czech Republic.

Romania, too, has revised and improved its legal framework, to meet the threats we are discussing in this chapter. Not only has it recently adopted new regulations on the State border, but also on the efficient organization and operation of the Border Police (June 27, 2001), patterned from the European Union police forces; also, the Romanian border police has been organized into regional departments, to cover sections of the land border and the Black Sea. The number of non-operational positions has been slashed and resources were appropriated depending on specific conditions and issues in various specific areas.

Studies on ways to reduce trafficking in human beings as much as possible, especially as regards the Republic of Moldova, must consider an aspect that has to do with everyday realities. The current economic difficulties of the Republic of Moldova make it so that many families are dependant on the money sent home by relatives living in the West or by friends who work in the West. This is no excuse, of course, but it does constitute an important element in the analysis, especially as it explains some of the reluctance to enact laws for harsher punishments in case of violation.

All the above considered, in line with European Union policies, Romania has introduced restrictions in the issuing of visas for citizens coming from countries with high migrant potential, and some applicants were even denied access in Romania when their documentation on the purpose of travel was not conclusive.

This phenomenon too, just like illegal trafficking in goods, arms and drugs, goes beyond the borders and concerns of just two states. It is necessary, therefore, to have a close cooperation between the authorities of all countries in the region, since they are all under the same threat, as well as the contribution of international organizations with expertise in the domain, like the International Organization for Migrations (IOM).

### *Trafficking in drugs, arms and stolen vehicles*

Geographically, both the Republic of Moldova and Romania are located on the drug routes coming from the Middle East, Russia and Ukraine and headed towards Europe. Another route comes from the Transcaucasus republics, from Kurdistan or from Turkey. Most of the drugs have Western Europe as a destination, because that is where the purchasing power is, but there are buyers along the route as well, both in the Republic of Moldova and in Romania. There is a direct relationship between drug traffickers and arms traffickers, since drug money will usually buy arms. The current extent of the phenomenon is also accounted for by the various armed conflicts in the region over the past few years, and reports from the Yugoslav war only have demonstrated a direct relationship between buyers there and suppliers who had used the transit route through the Republic of Moldova and Romania. Statistics of the Border Police General Inspectorate demonstrate without doubt that Moldovan citizens rank either first or second in both arms and drug trafficking. A similar situation applies to trafficking in stolen vehicles, where the Republic of Moldova is followed by Ukraine and Turkey.

Both countries need appropriate legislation to prevent, but also harshly punish, such violations. They also need appropriate equipment at their border checkpoints (including specially trained dogs), especially on those border checkpoints where trafficking in human beings is known to be most intense - Leuseni, Sculeni, Ungheni and Cahul. The same steps to provide equipment are needed on the border with Ukraine - Otaci, Ocnita, Briceni, Palanca as well as on the Chisinau checkpoint.

In keeping with the general guidelines of the present study, it is important to discuss such issues also in order to emphasize the devastating consequences these violations have for the population's health, domestic stability and, not lastly, the economy. That is why countries with poor budgets like Romania, but especially the Republic of Moldova, should be the first to examine the social-economic costs of this huge problem, and assess investment needs for border control. It should also be said that measures on only one side of the border could bring no solution to the situation. Failure to address security on the Republic of Moldova's border with Ukraine, or disproportionate levels of equipment on either side of the border brings about a

failure to meet the desired targets for border control between the Republic of Moldova and Romania. Romania, the Republic of Moldova and Ukraine have already taken some steps to curb the above-mentioned phenomena. As far back as 1998, the three presidents adopted a Memorandum to combat crime, and the three countries pledged mutual support in the fight against transborder crime. Later, the legal framework was improved in 2001, through the signing of the Agreement between the three governments to combat crime. After several rounds of discussions (which approached the main categories of criminal activity - organized crime, corruption, terrorism, trafficking in arms and ammunition, explosives and toxic substances, nuclear materials, drugs, contraband, trafficking in human beings, prostitution and sexual exploitation of children, illegal migration), it was decided to create a framework to stimulate the exchange of information between the three countries and the cooperation in combating such criminal activities. It was also decided to have a constant flow of information and to encourage exchanges of experiences at a local level as well as at a decision-making/political level.

To that effect, it was decided to organize joint seminars, roundtables and workshops. Unfortunately, political decision does not always bring about (in this context) an implementation. The best example is that, until June 2002, no Moldovan representative had attended the proceedings of the working group that meets at the Galati center periodically. We must therefore salute the fact recently a representative of the Moldovan government did take part in the discussions of experts in Galati, and we hope that Moldovan presence remains a constant, from now on.

Trafficking in human beings and illegal substances can, by no means, be either curbed or eradicated without the contribution of other agencies in the two countries (agencies that can contribute crucial information, logistics and expertise to the efforts of the border police and customs) and of international bodies, all of which could primarily materialize in priority assistance for:

- Training of inspection officers at border checkpoints in the use of modern techniques by traffickers
- Modern inspection equipment that would be distributed along the border in a balanced manner so as to reach all border checkpoints.

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## Chapter VI

### Conclusions

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Security of the external Schengen borders is an important priority of the European authorities and that makes it necessary for illegal trafficking prevention measures to be adopted and implemented at a certain pace and level of efficiency, in view of the consequences at national, but also European level. However permeable nowadays, borders still require a number of responsibilities to be taken by national states, a first condition here being the ability to put cooperation in place, not only between agencies with direct border jurisdiction, but also between these and the other agencies whose information is useful for enhancing a climate of security at the border.

However, national political-strategic motivations that have to do with relations at various levels between neighbors can be quite different from one nation to another, when it comes to border control. A united Europe cannot be built in disregard of the realities arising from each nation's identity. This is the reason why putting together procedures in place on the border between Romania and the Republic of Moldova carries very special implications. This happens primarily because the two countries have a unity of nation, language, culture and traditions and now they are treated differently because of European requirements. And secondly, the two countries' vision of the approach to international cooperation seems to be quite different.

In addition to the recommendations we made at the end of each chapter, there are other elements we considered in the writing of this study and need to mention here.

The present study has identified, as a crucial issue, the need for Romania to come up with a clearer definition of the notion of privileged and special partnership it claims to have with the Republic of Moldova. As in recent years Romania's circumstances and national options have changed, our country has assumed obligations that devolve from the requirements of the EU accession process, and thus the contents of privileged and

special relations with the Republic of Moldova requires an updated definition.

We will therefore list a series of conclusions on the mechanisms for bilateral and regional cooperation.

Before working out complex interstate, or indeed international cooperation strategies, each of the two states needs to assist the way their own institutions cooperate in the matter of border control, of the way key institutions in the domain share the same vision of border control. In Romania there are still problems in the relationship between border police and customs, even noticed outside the country. That is why the current conditions for dialogue should be made of maximum use by all concerned parties. This is a reference to the Galati International Center, where constant meetings should take place, between agencies with direct jurisdiction on the borders between Romania, the Republic of Moldova and Ukraine. We also refer to the two Euroregions where frequent institutional meetings should take place and we are even thinking of the sectoral dialogue groups. Other mechanisms are also available, such as the international meetings of the Stability Pact for South-East Europe, or the debates and meetings financed by PHARE/TACIS. All these can only strengthen the dialogue between Romania and the Republic of Moldova to the advantage of both countries as well as to regional security and stability.

Cooperation between counterparts in Romania and the Republic of Moldova requires a more determined political support. The reluctance of Moldovan authorities to cooperate with their Romanian counterparts is one of the main reasons for inadequate cooperation between the border police and the border troops, as well as between the customs authorities of the two countries. In the absence of complementarity between the political and executive tiers - especially in the Republic of Moldova - projects like the one for constant information exchanges, per sectors of activity, between the two countries, remain at an incipient stage. One can easily imagine the consequences such lack of trust brings for other programs, like prevention and combating of transborder crime, where trust between partners is one of the prerequisites of the activity. One could also speak about the need for a political boost in having the bilateral legal framework

implemented. The bilateral and regional legal framework includes regulations, commitments and punishments, with the aim of achieving prevention, detection and prosecution of transborder organized crime. The involved states have signed bilateral agreements, have undertaken responsibilities and have declared full commitment in the fight against transborder crime. However, practical effects of such regulations and commitments are not properly reflected in everyday realities, both at national and local interstate levels. It therefore becomes necessary to work out mechanisms and structures that would bring decision-making as close as possible to the local level - the border - since that is where unmitigated contact occurs with the criminal activities under discussion.

Insufficient funding is reflected primarily in the equipment available at the border checkpoints, but it is also visible in the training of the working staff, which is actually a huge problem. The international community is offering support to that effect, and that compels both states to have very clear records of:

- The existing equipment, the equipment procured from budget money and the equipment purchased with EU funding;
- The equipment that is still needed at every checkpoint.

At the same time, programs are needed for a cost-efficiency assessment (a concept that is insufficiently exploited in Romania). Based on a clear record at the national level and on a joint strategy, international donors could be approached, who have expressed their readiness to provide assistance in the domain, but this would require a transparent exchange of information on assistance received by each individual country.

Against the background of decreasing trust between counterparts in Romania and the Republic of Moldova, this problem affects even the readiness of Romanian officers to share their equipment with their Moldovan colleagues - one of the recommendations that resulted from discussions at the level of experts.

The usefulness of a periodical consultation mechanism at the political and administrative levels cannot be denied. This would allow a timely identification, analysis and formulation of solutions regarding problems that confront one or the other of the two

countries. Of course, another important factor for the achievement of this goal is the contribution of the civil society - in the sense of making it easier for a dialogue to exist between the institutions of the same state and between counterpart institutions in the two states. For instance, comprehensive solutions could be found for concerns like: the Romanian policy on citizens who live and/or carry out individual trade activities in localities close to the border, or on Moldovan individuals with double citizenship. Romania could thus assess both the requirements of the accession process it has embarked upon, and its policy towards the neighbor state with which it intends to continue a privileged, special relationship.

The Romanian coordinating team of this project worked as a facilitator between Moldovan institutions and representatives of the civil society and is now doubtful that when Romania becomes a member of the European Union, Moldovan citizens will not still have a visa free treatment in Romania, especially in view of the statistics on the potential of trafficking activities Moldovan citizens engage in. In that context, preferential treatment should rather be expected in the field of making it easier to cross the border, through the introduction of several types of visa, adapted to local needs (small trade, family relations, studies and work across the border). This would also involve a sustained effort towards adequate training and equipment for employees working on the border, so as to reduce the waiting time and detect attempts at border fraud.

The same goes for concerns and suggestions like those for a complex international mission to convince Western European states to open consular services for Moldovan citizens, if not in Chisinau, then at least as close as possible to it (e.g. in Bucharest), and at the same time convince those Western European states to simplify as much as possible, within the limits required by security, their procedures for receiving and deciding on visa applications. In documenting this suggestion, the coordinators of this study also noticed Romania's reluctance to take such initiatives, as it feels it would be primarily incumbent on the Republic of Moldova to approach the Western governments.

The role of these examples is rather that of emphasizing the importance of periodical dialogue and consultations between political leaders, practitioners and independent experts of both



countries. A number of ideas and proposals exist, therefore, and they require in-depth analysis and a joint approach in the light of the special relations Romania likes to speak about. The interviews and documentation work for the project this study is a part of have shown the importance of an active involvement on the part of Romania to the design of EU policies on near vicinity.

It must be clear that the issue of border control is not at all the exclusive responsibility of the Border Police General Inspectorate or of the General Customs Directorate, irrespective of the country. It is, indeed, absolutely necessary for a fruitful cooperation to exist between the two. But the matter of border control has many other aspects that come - in Romania - under the jurisdiction and expertise of the Romanian Intelligence Service or the Foreign Intelligence Service, and there are others yet that are the responsibility of the Chamber of Commerce, the Ministry of Industry and Resources, the Ministry of Education and Research, and the list can go on. We have no intention of making this into a complete list, but the only thing that can make border mechanisms and programs efficient is multiple cooperation among the various institutions whose information can have an importance for border control.

Even if they operate in a domain where information is sensitive for national security, agencies should be more open to cooperation with civil society, thus using not only their human and financial resources, but also their expertise. Prevention programs against border threats, public awareness activities concerning trafficking in human beings and contraband (a domain which, unfortunately for Romania and the Republic of Moldova, is rising to alarming levels) should involve state institutions as well as media channels and NGOs.

This is therefore a complex exercise in communication and cooperation, which has to start from a climate of trust between partners. In so far as it functions inside every state - in the sense that state institution work in cooperation with each other and also involve civil society - we have no reservations in believing it can work at an international level as well, and by this we mean exchange of information and cooperation between national institutions and specialist international organizations.

Finally, the relationship between the two states as well as their aspirations can bring them to design a joint set of proposals to mitigate the negative consequences of Romania's integration into the EU; such an initiative would then be forwarded to the European Union, which could work out a common European policy regarding the states neighboring the enlarged EU.

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The current study continues the projects the Institute for Public Policy in Bucharest has developed, aiming at giving incentives to bilateral activities between Romania and the Republic of Moldova.

The study, drafted by experts in both countries, addresses certain shortcomings and opportunities, urging leaders to analyze the implications and advantages of cooperation between the two countries. It aims at providing necessary tools and guidelines for decision-makers and public administration representatives, to be taken into account in the efforts of securing border in the present regional context.

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